DEMOCRACY for ALL
Restoring Immigrant Voting Rights in the United States

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CHAPTER 4
The Case for Immigrant Voting Rights

The cornerstone of democracy is the right of voters to elect the decision-making bodies of political assemblies at regular intervals. If the right to vote is to be truly universal, it must be granted to all residents of the territory concerned. . . . Universality, in the original sense of the word, would imply that all residents, irrespective of nationality, are included in the electorate.

—European Commission to the European Parliament

The global push to confer local voting rights on all municipal inhabitants underscores the significance of similar efforts in the United States. As the world grows closer in terms of population mobility, capital investment, labor markets, cultural production, and high technology, it is imperative that we create political norms to make these processes of integration consistent with democratic values. The possibilities for exploiting displaced persons are too great if we make capital and labor mobile but political rights immobile. We cannot treat the world as a global economic village but define it as a collection of remote islands for the purposes of political participation. Eventually we may define a human right to democratic participation.

—Jamin Raskin
The United States has long been a beacon of democracy to the world. In fact, the U.S. has prided itself as a promoter and protector of democracy, whether rightly or wrongly. Yet, Americans bristle at the reminder that “for over 80% of U.S. history, American laws declared most of the people in the world legally ineligible” to vote “solely because of their race . . . nationality or gender.” Although the civil rights movement swept away many of the remaining barriers to voting that buttressed white privilege and relegated African Americans and other minorities to second-class status, the rising tide of immigrants outlined in the previous chapter today again challenges the meaning and practice of democracy in America. The democratic ideal is challenged by the rising numbers of foreign-born persons who are not U.S. citizens, not only because they are excluded from participation, but also because they are all too often relegated to the lower social orders. Democratic notions of inclusion and equality, which were core goals of the civil rights movement, now appear in the form of a growing immigrant rights movement.

Contemporary campaigns for immigrant voting rights are part of the broader immigrant and civil rights movement. The effort to create a truly universal suffrage, which would include all members of a community, is one tactic in the struggle for human rights and to achieve economic and social justice. Toward these ends, immigrant rights’ advocates utilize moral and political claims to achieve voting rights for noncitizens. In fact, advocates often employ many of the same moral and political arguments used in past struggles to expand the franchise to previously excluded groups, including blacks, women, and youth. There are three basic arguments: the social contract, in which a just government rests on the consent of the governed; discrimination and bias, which are often a consequence of being politically excluded; and the mutual benefits that would accrue to all community members who share common interests. Marta Tienda reminds us that democratic theorists such as Jean-Jacques Rousseau cautioned against the creation of “partial societies,” where some members lack full rights, privileges, and obligations. To protect against the emergence of such partiality—and thereby inequities—Rousseau argued for democratic equity. Today, the U.S. is home to more partial members than at any time in its past, creating a crisis in our democracy. Because noncitizens do not possess the same rights, privileges, and obligations as citizens, reconciling immigrant rights and citizen rights has become “central to the project of democracy for the twenty-first century.” Tienda convincingly argues, “As long as membership confers different rights to different groups, future progress toward reducing social and economic inequality will be stymied.” Therefore, she concludes, “the diversification of the population warrants a realignment of democratic ideals with demographic realities.”

Opponents of immigrant voting raise several objections, including that granting voting rights to noncitizens would diminish the value and meaning of citizenship, reduce incentives for immigrants to naturalize, create divided loyalties, lead to less informed voters, skew the results in close elections, increase vote fraud, and affect contentious public policy issues. Even some immigrant advocates and civil libertarians worry that immigrants, particularly undocumented ones, would be further exploited and made more vulnerable if voting rights laws were not crafted carefully. And some African Americans and other minority groups worry that their hard-won gains in voting power and increased number of representatives could be diluted at a time they are reaching parity with whites in many areas and levels of governance.

There are no easy answers. Reconciliation of these contending positions seems impossible. Both sides present legitimate concerns and potent arguments. Still, deeper examination sheds light on the merits and flaws of the various claims and reveals much about the nature of the debates about immigrants and noncitizen voting.

The Arguments for Noncitizen Voting

The Social Contract

One of the basic tenets of democratic theory is found in the notion of the social contract: the legitimacy of government rests on the consent of the governed. Members of democratic communities are rightfully obliged to obey the laws they are subject to if they possess a means to participate in governance, such as by voting. Citizens consent to be governed in exchange for the power to select their representatives, a mechanism that can hold elected officials accountable to the people. The Founding Fathers enshrined this notion in the phrase “No taxation without representation,” which provided a rallying cry for the American Revolution. This argument emphasizes the rights of all members of communities—including immigrants—in a democratic polity.

Early American notions of democracy were influenced by the political theories of John Locke and other social contract theorists, including Thomas Hobbes and Jean-Jacques Rousseau, who posited that individuals give up their natural rights in exchange for security and other social benefits. In the first instance, individuals move from a “state of nature” by agreeing to make a compact with each other to form civil society. In so doing, they collectively consent to grant personal rights to a political
sovereign, a government, which insures their safety and other shared goods. This is the basis of a republic, a representative government, where the people give their rule-making power to elected officials who make decisions on their behalf. Of course, the people retain some individual rights and indirectly play a role in lawmaking by selecting representatives who make the rules. Although voting is a relatively crude instrument, it is a power that the people can wield to keep government responsive and accountable.

Although ancient democratic theory and practice, such as in Athens, Greece, maintained a sharp distinction between citizens and foreigners, modern liberal democratic theory generally assumes that everyone has formal access to citizenship rights. In short, modern democratic theory posits that all members of a society have equal rights and responsibilities. When noncitizens are contemplated at all, liberal theory generally assumes that an immigrant who chooses to move to another country is implicitly consenting to be governed by the laws of that new regime. If the regime is based on democratic principles, noncitizens should have access to most of the same rights, privileges, and civil guarantees granted to citizens, particularly immigrants who are legally admitted. In other words, noncitizens should be more, rather than less, identical to citizens—except perhaps in regard to voting privileges, and naturalization would provide for those.

Again, the assumption is a mutual reciprocity between the government and the governed.

However, many liberal theorists do not adequately contemplate how real world differences in social group status can create second-class members. The historic struggles for political inclusion and equal rights of African Americans and women, including for voting rights, moved the society closer toward the ideal of equality. But political inclusion did not bring equal treatment and equal outcomes. Thus, African American men who were legally enfranchised after emancipation could be subject to segregation and oppression, women could be subordinated even after their enfranchisement, and poor and working people could be relegated to the lower social orders. Moreover, since not all noncitizens can become citizen members, liberal democratic theory and practice have been further confronted by this new reality, particularly since noncitizens—like other subordinated groups—affect citizen members of the host society: "Because aliens are a significant part of many contemporary political communities, their presence inevitably shapes the nature and practice of citizenship within."

In the case of immigrants in a democratic polity, there are two typical answers to this problem. One is to draw a sharper line between immigrants and citizens. Noncitizens are not entitled to the same rights and privileges as citizens, it is argued, because certain immigrants are not eligible to become full citizen members of their host society. In the case of undocumented immigrants, their violation of U.S. law makes them ineligible for any such rights. Even for legal immigrants, Peter H. Schuck (for example) identifies five exceptions to the principle of equity embodied in the Fourteenth Amendment, whereby a government is justified in differential treatment of citizens and noncitizens, including the following: legal residents are subject to deportation; legal aliens do not have as great an ability as citizens to have their relatives immigrate to the U.S.; and legal residents cannot serve on juries, vote, run for office, or be appointed to certain government jobs.

Another answer moves in the opposite direction, which is to expand the equal protection principle and to adjust democratic norms to the new demographic realities. For example, Tienda argues:

The citizen-alien distinction can be blurred because both citizens and aliens are entitled to representation in Congress [via apportionment], both are required to pay taxes, both serve in the armed forces, and both are bound by the same laws and obligations. . . . That states retain the authority to grant noncitizens the right to vote in state and local affairs is a socially meaningful way to fade the distinction between aliens and citizens. Some have argued that the citizen-alien distinction should be blurred because it is morally consistent with the values of equality and inclusiveness professed by a liberal democracy and because political participation in local affairs ostensibly can prepare aliens for statutory U.S. citizenship.

Varsanyi also argues that "tacit acceptance of a disenfranchised, vulnerable and second class, working class is a direct challenge to justice in a democratic system." These scholars argue that a reconfiguration of the boundaries surrounding voting and citizenship is needed. Similarly, Aleinkoff and Klusmeyer argue, "Any discussion of the franchise for immigrants must consider the basic democratic premise that what concerns all should be decided by all . . . laws of democratic states apply not only to their citizens, but to all who live in the territory."

Lisa Garcia Bedolla takes the argument a step further. She contends that liberal democratic theorists, like Schuck and Smith, who focus "solely on the actions and responsibilities of individual immigrants . . . ignore the role of the state, and state-sanctioned economic actors, in facilitating, subsidizing and making possible, migration." In fact, Bedolla argues, migrants have the "tacit consent" of powerful economic and governmental actors
that benefit—even require—a cheap and pliable labor supply to fuel global capitalism, particularly guest worker schemes such as the Bracero program and President Bush’s recently proposed temporary work program that allows immigrants to reside in the U.S. only for a limited period of time with no pathway to citizenship. Instead of viewing migrants as coming here on their own, which ignores “the web of economic interdependence that connects all of us,” Bedolla views migration as the result of “structural, rather than individual, processes.” Immigrants are important and permanent parts of our political community, she argues, and we have a reciprocal responsibility based on “moral obligations” for noncitizens whose presence is integral to the functioning of our economy and society. Thus, noncitizen residents as a social class render “citizenship-as-rights” and “citizenship-as-status” problematic. A solution is to grant political rights to all noncitizens under a broader notion of citizenship as members of a society with standing so as to move toward integration, incorporation, and equal treatment.

Immigrants themselves echo many of these ideas and sentiments. Take the case of Salvador Hernandez, an immigrant from El Salvador and a member of an organization called Centro Presente in Cambridge, Massachusetts, that promotes and supports immigrant civic activism: “My children attend the public schools, so I should have a say in choosing those people who oversee how the [sic] school system is run. Similarly, I have the responsibility to pay taxes, so why can’t I have the privilege of contributing to how those taxes are spent?”

Increasingly, we hear similar voices across the country. Berta Hernandez, a resident of San Francisco who has two kids (in the third and seventh grades), said, “I pay taxes and want to vote for school board because they make policy that affects my children’s education. I want to have a say in my children’s education.” Margaret Fung, executive director of the Asian American Legal Defense and Education Fund, contends, “These people should not be disenfranchised. If you’re paying taxes, you should be able to vote. . . . They should have a voice about how decisions are made, especially on the neighborhood level where issues affect them directly.”

Some academics also concur. For example, Michael Jones-Correa of Cornell University says, “It’s problematic for any democratic society to have a large portion of its population outside of political participation. It undermines democracy.” Similarly, Joaquin Avila of Seattle University School of Law argues that noncitizens have the same obligations as citizens and should therefore enjoy some of the same privileges. . . . A society’s interests are not furthered when a substantial number of its inhabitants are excluded from the body politic and have no meaningful way to petition for a redress of grievances through the electoral process. Such a continued exclusion from political participation is detrimental to achieving a more cohesive society. The ultimate product of such exclusion is a political apartheid.

Indeed, federal, state, and local governments already treat noncitizens—both legal permanent residents and undocumented individuals—like other community members. The most obvious example is that all residents must pay income taxes regardless of their immigration status. In fact, contrary to popular belief, an overwhelming proportion of immigrants pay more in taxes than they receive in benefits (except refugees) and more than the average American, while contributing positively to the nation’s economy on the whole. Immigrant households paid an estimated $133 billion in taxes in 1997 to federal, state, and local governments—from property, sales, and income taxes—and the typical immigrant pays an estimated $80,000 more in taxes than they receive in federal, state, and local benefits over their lifetimes.

Similarly, elected officials employ the same arguments to buttress their support of immigrant voting rights. “They’re paying taxes, they’re working, they’re contributing to our prosperity. And yet they’re not able to exercise the franchise,” said Jim Graham, a Washington, D.C., councilman who introduced a bill in June 2004 that would allow immigrants to vote in local elections in our nation’s capital. California Assembly Member Leland Yee, who represents San Francisco, said, “America has a long and rich immigrant history and for its first 150 years allowed immigrants to vote, and even hold office. . . . It’s time we got back to the true principles of our founding fathers, who encouraged democratic participation, knowing that newcomers would be further encouraged to put down roots, build a stake, and invest in local communities.”

Noncitizens have the same stake and interest in a community’s political decisions and civic responsibility as that of any citizen. Like other citizens, immigrants tend to become involved and invested in their communities and the nation when given a voice and means of participating in social and political processes. Indeed, voting is an important means of becoming incorporated and engaged in a polity, not merely the outcome of becoming assimilated. According to this line of reasoning, the proper measure of membership in democratic communities is residency, not nationality per se.
The main point—one that runs through all three arguments—is fairness. Vladimir Morales, a member of the local governing body and a leader of the campaign in Amherst, Massachusetts, argued, “Resident aliens own houses and businesses in Amherst, pay property taxes and send their children to school, but they cannot participate in the democratic process. We have a lot of citizens who pay taxes who make decisions for other people who pay taxes. . . . It’s about expanding democracy.”

Similar arguments made in Cambridge, Massachusetts, led its city council to extend voting rights to resident aliens in 1999 and again in 2003, first for school committee elections and then for all local elections. “The true values of citizenship are not measured by a piece of paper but by actions that speak of personal responsibility. The vast majority of immigrants work, pay taxes, send their children to school, and worship in churches. They even die in wars defending a country that too often rejects and ignores them. In the recent U.S. conflict in Iraq the first casualty was a Guatemalan immigrant who was not yet a U.S. citizen, who could not vote yet was willing to give his life to this country.” More than 70,000 immigrants serve in the U.S. armed forces, where they represent around 5 percent of enlistees; among them, about 40,000 are “green card” soldiers who are not yet citizens.

A sixteen-year-old daughter of an immigrant told the Cambridge City Council:

“It’s simply not fair that people who have lived here for so long, who have paid taxes and contribute to the community do not have a right to speak about their own children’s education [speaking about her mother]. These people are constantly being affected by all the various laws that are being passed but are not allowed to voice their opinions at all. These are people who are part of the society and are influenced by changes made, whether in housing, taxes, or security. Therefore, they should be included in the process of making change. They live in the society and look upon it as their home. They certainly deserve a voice in how it is run.”

Not surprisingly, advocates draw upon American history in making the case for noncitizen voting. Kathy Coll, a Harvard University professor and a member of the coalition in Massachusetts, stated, “What we’re doing is something that has a long tradition of inclusion and expansion of the franchise for all people that live in this country.” Similarly, New York City Councilman Bill Perkins said, “This effort is as American as apple pie. The tradition of expanding the franchise is one that has been seen over and over again in this country.” Perkins noted that, historically, “All they had to do was to get off the boat and they could vote. It’s time for us to bring back that aspect of our democracy.”

Cheryl Wertz, the director of government access at New Immigrant Community Empowerment (NICE), a grassroots, community-based organization based in New York City, said,

“Democracy is, after all, about representation. The one in five New Yorkers who are disenfranchised are not a random one in five. It is not as though we were to disempower 20 percent of the people in this room. We are leaving out a very specific and targeted group of people—immigrants. As a direct result, there are issues that are not being discussed, and voices that are simply not being heard in City Hall. If New York City had a functioning democracy there should be vigorous debate in City Hall about multi-lingual city services, improvements in public education, funding for ESL classes, and a strong confidentiality policy that makes sense. But there is no public outcry for these services because noncitizen voices have been so effectively silenced.”

Cambridge City Councillor Denise Simmons addressed a concern that incumbent politicians of all stripes may have: “One could say, ‘why would you vote . . . to give people the opportunity to run against you?’ Because taxation without representation is not fair. These individuals [immigrants] who have entrusted us to educate their children, not so well I might add in a lot of instances, and this [passing the bill to extend the franchise to noncitizens] will increase their rights and responsibilities.”

All of these themes have been articulated by advocates in jurisdictions where voting rights were extended to noncitizens (such as Maryland, Chicago, and New York) and in places that are considering following suit (including Washington, D.C.; San Francisco; Los Angeles; New York; Portland, Maine; Madison, Wisconsin; Minnesota; New Jersey; North Carolina; and Texas).!

Bias

A second argument refers to discrimination and bias. Noncitizens are at risk of bias in majoritarian electoral systems because politicians can ignore their interests. Discriminatory public policy and private practices—in employment, housing, education, health care, welfare, and criminal justice—are the inevitable by-products of immigrant political exclusion, not to mention xenophobic political campaigning and racial profiling.
Foreign-born workers, for example, earned about 76 cents for every dollar earned by U.S.-born workers in 2000. One in five children in the U.S. and, as mentioned in the previous chapter, one in four low-income children is the child of an immigrant; as also aforementioned, one in four low-wage workers is foreign-born. Even though immigrants work more hours than most other U.S. citizens, an alarmingly large number of immigrants and their families lack health insurance and are food insecure. Children of immigrants are more likely to have poor health, lack health insurance, and lack access to health care than natives.

Again, advocates of immigrant enfranchisement marshal standard democratic and civil rights principles for their cause. Noncitizens have legitimate interests in a community’s political processes and need protections within it. As Jamin Raskin, a law professor at American University who led the successful campaign to enact noncitizen voting in Takoma Park, Maryland, stated, “If you can’t vote, you tend to be disregarded politically. It [voting rights] has extended real visibility to a formerly invisible population.” In short, the problem is not merely that immigrants pay taxes and don’t have the vote; the problem is that the U.S. is undergoing another nativist period that threatens the rights and civil liberties of immigrants who have no formal voice to protect themselves. Witness the violation of civil liberties evident in the arbitrary discriminatory detention of many mostly Middle Eastern and South Asian immigrants, the host of restrictionist legislation proposed and/or enacted at the federal level and in several states, the rising number of racially motivated bias attacks on immigrants, and the vigilante activities of “minutemen” in Arizona, California, and Texas.

Drawing a parallel between the presuffrage plight of women and African Americans and the conditions of immigrants today, one advocate for noncitizen voting rights argued, “We should think of voting rights as being connected to being free.” That is, groups can be more easily subordinated and discriminated against by depriving them of the vote, and, conversely, can attain greater freedoms when they possess the right to vote. The Campaign for Immigrant Voting Rights in Cambridge, Massachusetts, effectively used such arguments with politicians on the city council and in the state legislature to win their support for noncitizen voting rights. In advocacy materials they included documents such as the Nineteenth Amendment to the U.S. Constitution, which granted women the right to vote, and statements by various suffragettes. “Massachusetts has long been a leader in electoral reforms aimed at increasing civic participation in local elections. National women’s suffrage leaders from Massachusetts included Susan B. Anthony and Lucy Stone. In 1879, forty years before the Nineteenth Amendment granted women the right to vote, women in Massachusetts were allowed to vote in school committee, tax and bond elections.” Similarly, they point to parallels between the historic struggles for voting rights of African Americans (and other minorities) and those of immigrants.

Advocates for noncitizen voting also point to the Twenty-sixth Amendment, which lowered the voting age from twenty-one to eighteen: “A key argument on behalf of this amendment, ratified during the heyday of youth protest against the Vietnam War, was . . . that those who were old enough to fight were old enough to vote. . . .” This time-honored argument about enfranchising classes of people asked to serve in the military should apply equally as well to ‘aliens,’ who have been subject, in various degrees to military conscription ever since it began during the Civil War. Such tactics have been employed in nearly every campaign for noncitizen voting across the country, particularly since the start of the War in Iraq.

In San Francisco, immigrant rights advocates launched an initiative in 1996 that would have allowed noncitizens to vote in local elections, partly based on the discrimination argument. The immigrant rights movement hoped to place a measure on the ballot that would “create a movement around the real issues concerning immigrants: the need to include them and make them participatory of our society rather than the scapegoats.” This initiative grew out of an effort to fight the backlash against immigrants typified in Proposition 187 in California, which would have denied them access to public benefits such as education, health care, and so on. However, the San Francisco initiative met strong opposition and was never allowed to come to a vote. Then—Secretary of State Bill Jones fought the proposal to enfranchise immigrants, contending that it violated the California Constitution and arguing that “voting is a privilege open only to legal citizens, and that this initiative will increase incidences of voting fraud.”

More recently, however, Matt Gonzalez, president of the San Francisco Board of Supervisors, promoted the idea of immigrant voting when he ran for mayor in 2003, and in 2004 successfully introduced a proposal that appeared on the November 2004 ballot to amend the city charter to allow immigrant parents of children in the public school system to vote in school board elections. A broad coalition of immigrant rights and civil rights advocates, lawyers, parents, youth, educators, community groups, labor, faith-based organizations, and elected officials formed an organization, A Voice for All Parents, to promote the proposal. One of their contentions has been that immigrant parents are slighted in school policy and that granting voting rights to parents of children in the public schools could help produce more equitable treatment and better
education for all. Gonzalez argued, “Giving immigrant parents voting power will foster greater parental involvement in their children’s affairs and heighten the likelihood that elected representatives of the district address their needs.”

A member of the San Francisco coalition argued that she—and other parents—should have a say in school policy.

Parents are scared to engage with the school. The Board doesn’t tell parents that schools don’t collect Social Security numbers, or that parents don’t need to be documented to come to school for their kids. I want a Board that values educating immigrant parents about these truths. And because the school system in other countries can be different, immigrant parents often don’t know how to engage the school system. For example, immunizations are required for students for public school enrollment. Not only are low-cost immunizations difficult to find for noncitizen parents, but they often don’t realize they are even required, and children often stay at home for several days after school starts. The Board of Education has a responsibility to educate and integrate immigrant parents into the system. And I should be able to decide who those Board members are.”

Sergio Luna, an immigrant from Guatemala and a resident of Washington, D.C., supports the initiative there that would grant voting rights to legal permanent residents in all municipal elections because he believes it will lead to improvements in the city’s struggling schools, where his son is a student, among other things. “If we have the opportunity to vote for the school board, the Council and the mayor, we’ll be making some changes.”

“Voting rights for residents will help protect immigrants, give them better access to government, and make government more accountable,” argues Bryan Pu-Folkes, the executive director of NICE, one of the leading advocates of the New York City initiative. Cheryl Wertz, also of NICE, noted that there are many New York City Council districts that have a high percentage of noncitizens. For example, in “council member Hiram Monserrate’s district, 45 percent of the population, or 72,000 of his 164,000 constituents, can’t vote for him.” Wertz noted that although council member Monserrate “is fantastic [and] does everything he can to represent the needs of all of his constituents in City Hall, not all New York City residents are as lucky. There are council members in changing districts that actively choose to represent the needs of voters in their district, to the detriment of their constituents. Fairness demands that those two groups should never be distinct and luck should never have a role.”

Indeed, as Pu-Folkes has argued, a neighboring city council district in Queens has been represented by council member Helen Sears, who has repeatedly voted for legislation that directly counters the interests and wishes of her noncitizen population, which comprises about 41 percent of her constituents. Pu-Folks argues that Sears’s lack of responsiveness and accountability to her noncitizen members is a by-product of the fact that she can essentially ignore their interests without worrying of retribution at the polls, and he argues that the proposed legislation in New York City would make it difficult for representatives such as Sears to ignore the interests and wishes of noncitizen constituents.

Mutual Benefits

A third argument stresses the benefits that would accrue to other community members who have common interests. Working-class individuals and people of color—particularly in metropolitan regions—face many of the same problems that immigrants do, including discrimination in employment, housing, education, and so on. Common interests can forge common ground, reduce competition and strife, and enhance mutual understanding and cooperation. On the other hand, cultural differences, the struggle for scarce economic resources, and prejudice can breed intergroup conflict. Universal voting rights can provide a buffer against potential social strife or segmented assimilation. Alliances among competing minority groups in struggles for fair employment practices, living wage campaigns, access to affordable housing, and quality education have formed the basis of such effective coalitions. Noncitizen political participation could help strengthen potential alliances in electoral contests and public policy formation. Indeed, an enlarged electorate might have changed the outcome of some close elections.

For example, San Francisco advocates argued that parent involvement in school elections is beneficial to children and communities. Groups like Parent Voices worked to empower parents. Maria Luz Torre, founder of Parent Voices, argued that building parent leadership among immigrants is a good way to support parent accountability in education systems, and at the same time, immigrant parents should have an “opportunity to weigh in” on decisions affecting their children. “We ask parents to hold their youth accountable. And I train parents to better do this. Why can’t we ask the same of our School Board, to be accountable to all of the parents in the District?”

In this way, advocates contend that immigrants strengthen communities. Immigrants not only contribute materially but also enhance the
quality of life in communities and add richness to neighborhoods. "Immigrants are very much a part of the fabric of [Cambridge, Massachusetts] and make it strong and healthy and wonderful place to live . . . who attend school meetings, who care about affordable housing, who care about strengthening our economy, who in fact participate in strengthening the economy . . . who want to play an active role. We need to do everything we can to encourage their participation in the electoral process."53

Immigrant voting advocates also make connections to global events and trends, which have local impacts. As Raskin notes, "While nationalism prevailed in defining citizenship for voting purposes in the earlier part of the twentieth century, the unification of national economies into a global market system at the end of this century undermines the salience of national identity and increases the historical importance of defining a citizenship of place and locality. . . . Wherever human beings find themselves living, they face the consequences" of globalization.54 Globalization has unleashed new forces that push and pull people across borders, just as capital now flows more readily and rapidly, which in turn also creates new possibilities for cross-border activism.55 Such global changes are redefining relationships between local communities and international actors and processes, including notions of citizenship and voting rights.

Debates about immigration often center on the actions and responsibilities of individuals rather than on the role of governments and government-sanctioned economic actors, which also facilitate, subsidize, and propel mass migration.56 For example, U.S. guest worker programs have long drawn immigrants, especially from Mexico. In this way, American companies can use immigrant labor without granting them rights and privileges in the U.S. Similarly, changes to immigration law, which often reflect U.S. foreign policy and political considerations, affect migration patterns. The U.S. has allowed Cubans nearly automatic asylum since the Cuban revolution in 1959 and done the same for Nicaraguans during the 1980s, when the U.S. actively opposed the Sandinista regime, while refugees from El Salvador and Guatemala, whose repressive regimes were backed by the U.S., were generally often sent back. In fact, many of the latter groups have been long-term "legal" residents, have U.S.-born children (citizens), and own homes and businesses, but are now being brought into deportation hearings, in part due to changes in immigration law.57 This is borne out in overall patterns of recent immigration regarding other countries and migrants, which has several main features: (1) the proximity to the U.S., (2) the penetration of the sending country's economies by the U.S. economy, (3) U.S. foreign policy, and (4) historical patterns of chain migration. Over a third of recent immigrants come from Mexico, Central America, Cuba, and the Dominican Republic; another 20 percent come from Asia, China, and the Philippines especially; Western Europe and Canada still send a significant number (more than 15 percent); while Caribbean countries and the former Soviet bloc send over 5 to 10 percent each.58 These migrants are, in part, encouraged by the U.S., which rewards corporations and businesses that employ these newcomers in low-wage jobs to clean offices and homes, take care of lawns and children, prepare food in restaurants, and so on. At the same time, companies that invest in foreign countries also help produce mass migration by commercializing agriculture and industrializing cities in developing countries, which drives people from rural to urban spaces and into developed First World countries. Thus, increased interdependence and immigration, which characterize globalization, are as much a product of structural forces as of individual processes.59

Noncitizen voting rights advocates (and other activists) contend these global changes propel localities to respond to forces they are increasingly affected by, such as by pressing for basic economic and democratic rights, including voting rights for noncitizens.

While the globalizing process is fraught with danger for local communities, a great many cities have taken the offensive by asserting their right to be involved in the conduct of foreign policy and govern the local effects of international relations. . . . One important example of such action in the United States is the grass roots movement to offer sanctuary to refugees from war-torn countries like El Salvador and Guatemala. The move towards local citizen voting can be seen as part of the trend of communities accepting responsibility for participating in the enforcement of global human rights norms. In this regard, Takoma Park, Maryland, which enacted noncitizen voting in 1992, was only following up on its earlier decision to make itself a sanctuary city. After securing Salvadoran and Guatemalan immigrants to live free from political persecution, it extended to them the right to participate in the political life of their hometown.60

Similarly, Cambridge, Massachusetts, made itself a sanctuary city before enacting noncitizen voting legislation. Cambridge had previously passed legislation declaring their city a sanctuary for refugees (particularly from Central America). Elena Latona, executive director of Centro Presente in Cambridge, Massachusetts, stated at a public meeting of the Cambridge City Council, "Cambridge has a proud tradition of protecting immigrants as evidenced by the fact that Cambridge is a sanctuary city and has already pronounced itself against the U.S. Patriot Act."61
Objections to Noncitizen Voting

Citizenship First, Voting Rights Second

Opponents to noncitizen voting raise several objections. The most common objection is that immigrants already have a means of obtaining voting rights: by becoming citizens. Rodolfo de la Garza of Columbia University and the Tomas Rivera Institute put it in typical fashion: “It’s a relatively easy process [to become a citizen]. Immigrants should become citizens and then vote. Otherwise you create the possibility of people voting who have no stake in society. . . . I don’t think it’s a good thing to have immigrants voting immediately.” New York City Mayor Michael Bloomberg said that “the essence of citizenship is the right to vote, and you should go about becoming a citizen before you get the right to vote.” Representative Tom Tancredo (R-CO) asks, “Is it really too much to ask that American citizenship be a prerequisite for voting in American elections?”

For many opponents, allowing noncitizen immigrants to vote would demean citizenship, blur the lines between citizens and immigrants, essentially make citizenship meaningless, and reduce incentives for immigrants to naturalize. Representative Tancredo, who rallied members of Congress in opposition to immigrant voting initiatives, continued, “One of the things that differentiates American citizenship from simple residency is the right to vote. The passage of this [D.C.] measure would not only blur that distinction, it would erase it.” Similarly, Daniel Stein, executive director of the Federation of American Immigrant Reform, a Washington D.C.-based organization that supports stricter immigration controls, put it in stronger terms: “No one should be given the franchise without taking the Pledge of Allegiance. If you divorce citizenship and voting, citizenship stops having any meaning at all.” Mark Krikorian, the executive director of the Center for Immigration Studies, a Washington group that favors greater restrictions on immigration, argues, “Extending voting rights to noncitizens eliminates the last distinction between people who have accepted permanent membership in the American people and those who have not.”

Cambridge City Councillor Anthony Gallucio opposed passage of a bill to extend voting rights to noncitizens on the ground that it would “diminish citizenship principles.” The American Legion and the Hudson Institute formed “an alliance” called the Citizenship Roundtable to halt “attacks on the citizenship process,” which include “changing laws to encourage noncitizen voting.” In 2002, San Franciscans voted on a related issue: whether to allow noncitizens to be appointed to city boards, commissions, and agencies (known as Proposition C). The measure lost. Some contend that voters “believed it would remove any incentive for immigrants to become citizens.” Furthermore, it is argued, immigrants must earn the right to become citizens and vote just like previous generations. Such views and sentiments are routinely marshaled by opponents of initiatives to grant voting rights to noncitizens in local elections.

Stanley Renshon, a professor of political science at Lehman College, for example, wrote, “Voting is one of the few, and doubtless 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.” At a public forum, Renshon elaborated that it takes time to learn about a society, and granting voting rights before “crucial political socialization” would not only cheapen citizenship but also damage it. The five-year waiting period for naturalization is a “reasonable amount of time to wait” to gain voting privileges. Like a relationship, there are different “degrees of commitment,” and it is not unreasonable to ask and expect immigrants to wait and develop a deeper relationship to and knowledge of U.S. culture and politics.

Noncitizen voting rights advocates counter by pointing out that the relationship between voting and citizenship is a product of politics; it is not intrinsic. Historically, voting was not tied to citizenship, which is why blacks and women who were citizens could be denied the vote, and why noncitizen men could vote. For example, Cheryl Wertz (of NICE) argued, “The right to vote was not, and is not now, about citizenship. It is about who has a right to have a say.” She points to the fact that only white men with property were initially permitted to vote, excluding women and people of color, who later fought their way into the polity. “It was only during the Vietnam War, when young men were dying in a war in which they had no voice, that people between the ages of 18 and 21 were able to get the vote. Who has a right to have a say is an evolving process and non-citizen voting in local elections is the next step.”

Opponents argue that the fact that noncitizens were historically permitted to vote traditionally “doesn’t make it right.” Take a look at why noncitizen voting was eliminated, opponents argue. Following the great waves of immigration in the late nineteenth and early twentieth centuries, the nation debated what it means to be an American. Our history evolved and so did our thinking and laws. The idea that voting should be tied to citizenship increasingly was seen as a crucial, “primal” link.

Voting rights, advocates maintain, have much more to do with power. This is why they support expanding the franchise to include all residents of
a community. Then those in power will not be able to relegate immigrants as second- or third-class status, much as women and blacks were treated. Historically, pseudo-scientific eugenics justified rampant xenophobia and nativism that flourished at the turn of the twentieth century and during World War I. Wars have often been times when the flames of fear are fanned and prejudice can be institutionalized, such as with the internment of the Japanese and the mistreatment of Germans and Jews during World War II; Koreans in the 1950s and beyond; Vietnamese, Cambodians, and Laotians who came from war-torn Southeast Asia in the 1960s and 1970s; Central Americans who came from war-torn Nicaragua, El Salvador, and Guatemala in the 1980s; and Arabs and Muslims from the Middle East and Southeast Asia today.

As further evidence, advocates say, take a closer look at what objections opponents raise. First, opponents' rhetoric about how granting voting rights to noncitizens would dilute and damage citizenship—read, the citizenship of “real” Americans—reveals a veiled racism and anti-immigrant sentiments. It is not just about preserving the sanctity of citizenship per se; it is about making sure that American culture and values are not sullied by foreigners. Second, consider the fears that opponents express about the possible political impacts of enfranchising noncitizens in elections. Many opponents perceive initiatives to grant immigrants voting rights as a cynical way of cultivating Democratic Party votes, since immigrants and minorities are often more likely to vote Democratic than Republican. Essentially, these opponents see these campaigns as plots to advance Democrats over Republicans and a liberal agenda over a conservative one. For example, Ira Mehlman, a spokesman for the Federation of American Immigration Reform (FAIR), which favors stricter immigration laws, said, “They see (immigrants) as likely Democratic voters. Clearly, their motivation is to get these people to the polls.”

Daniel Stein of FAIR similarly characterized what the group perceives to be the underlying motivation for initiatives to grant noncitizens voting rights: “It’s always interesting. The genesis of these proposals seems to be there are people on the city council who see a lot of people in their communities who would probably vote for them but aren’t citizens.”

They may have a point, although it is far from clear how noncitizen immigrants as a whole will vote if given the chance. In fact, survey research shows that immigrants who naturalize and vote are hardly monolithic. Some groups, such as Cubans, some Asian groups, and many Arabs, have tended vote for Republicans. But these same groups—and other immigrant groups—have shifted their political preferences in some cases, depending on the election, candidates, time frame, and locale. Immigrants appear to be less attached to the parties and more volatile in their political preferences, which is not dissimilar to the voting behavior of much of the native-born electorate in recent times.

Politics aside, advocates contend that the vast majority of immigrants do in fact intend to become U.S. citizens but that the naturalization process has become so cumbersome it acts as a barrier. Some analysts argue that the naturalization process has become so complicated that it is “a real instrument of exclusion and subordination.” Mario Cristaldo, who was born in Paraguay and has been a resident of the District of Columbia since 1994, said, “I invite anyone who says we don’t want to become citizens to navigate the [immigration] system. It is not easy.” Adding that foreign-born residents are “not going anywhere,” Cristaldo argues that legal permanent residents should be able to “elect our council members, ANC commissioners, school board representatives and the mayor.” Similarly, Elena Latona presented the case of Jose Perez to the Cambridge City Council: it took “Jose Perez almost twenty years to become a U.S. permanent resident,” a prerequisite to apply for citizenship. Now, Jose must wait another four years to become a U.S. naturalized citizen. He is not the only one. At Centro Presente, we have at least 300 constituents that face the same fate. Cambridge City Councillor Henrietta Davis said such facts proved decisive in her decision to support legislation allowing noncitizens to vote in local elections.

The backlog of naturalization applications at the United States Citizenship and Immigration Services (USCIS) has been one to two years or more in recent times. In fact, such delays have increased since September 11 because of increased security and antiterrorism measures, shortage of staff and redeployment of staff for security work, and mismanagement. As the 2004 presidential election approached, backlogs ranged from a low of six to seven months to over twenty-one months. For example, the Miami office of USCIS, which is now part of the Homeland Security Department, had a twenty-one-month backlog in Arizona, it took thirteen months; and the 19-month backlog in New York was among the worst. Some opponents of noncitizen voting acknowledge these problems but say the solution lies in reducing the backlog, not in enfranchising noncitizens in local elections.

Advocates maintain that these are not mutually exclusive goals and, in fact, that noncitizen voting is a pathway to citizenship, not a substitute for it. What noncitizen voting does, advocates contend, is to promote civic education and participation among incipient Americans. Gouri Sadhwni, the executive director of the New York Civic Participation Project, one of the groups that endorsed the campaign in New York City, argued, “In many ways, this prepares people. They start local, and then they become citizens and vote in national elections.” This logic is similar to
nineteenth-century practice, when it was widely believed that noncitizen immigrants who declared their intent to naturalize should be allowed voting rights because it would encourage acquisition of knowledge about the U.S. and hasten integration and political incorporation. As Michele Wucker, a senior fellow at the World Policy Institute and a codirector of the Immigrant Voting Project, has argued, “Voting in local elections gives immigrants an unbeatable education in the American political system. There’s no better preparation for eventual citizenship. We all benefit when new Americans think of themselves as full members of civil society.”

Most campaigns for noncitizen voting rights employ this line of reasoning. For example, Angelo Ancheta of the Asian Law Caucus and one of the members of San Francisco’s immigrant rights movement, launched in 1996, argued that allowing noncitizens to vote “would actually encourage people to naturalize and eventually vote in federal elections.”

In 1968, New York City granted noncitizens who were parents of schoolchildren the right to vote in community school board elections and to hold office on school boards. Guillermo Linares, the first Dominican ever elected in the U.S. (initially as a New York City community school board president, and then as a New York city councilman), argued, “The parent-voter provision facilitates parents’ ability to assist their children’s education, strengthens families’ ties to the U.S. and speeds integration of immigrants into the larger society.” Such actions, he continued, “benefit the city and celebrate and assist the newest wave of immigrants, who are as vital to New York City’s future as their predecessors.” Moreover, New York’s school boards have been the most “representative” governmental bodies in New York City, in terms of race and ethnicity.

In the end, advocates contend, granting local voting rights to noncitizens would not remove the many reasons that remain for immigrants to naturalize. These campaigns are for local voting rights; immigrants would still be precluded from voting in state and federal elections. Moreover, as Cheryl Wertz argued, immigrants “do not qualify for many government jobs, scholarships, or social service programs.” Even legal permanent residents (i.e., “green card” holders) “can only spend a certain number of days a year outside of the United States. Depending on one’s nationality, international travel may be easier with a U.S. passport.” Noncitizens always face the possibility of being deported. Wertz concludes by pointing out that “none of these reasons for gaining U.S. citizenship will be at all diminished by allowing noncitizens the right to vote in municipal elections.”

Similarly, Gregory Siskind, an immigrant rights attorney, lists ten reasons to become a citizen, one of which is voting, in addition to many of the ones mentioned above.

**Divided Loyalties: Noncitizens Do Not Have American Interests at Heart**

Another objection that opponents raise is that since noncitizens have not sworn a loyalty oath to the U.S., they cannot be trusted to vote in the best interests of this country. Opponents contend that immigrants will vote their own interests or those of their country of origin. Oustable proof of an immigrant’s commitment and loyalty to the U.S. would be their naturalization. Dual citizenship, which allow immigrants to vote in the U.S. and in their home countries, undermines “integration,” “cultural coherence,” and “loyalty.”

Approximately one hundred nations allow dual citizenship, with some allowing migrants the right to vote from abroad. Critics of dual citizenship argue it diminishes loyalty to the U.S. “Every effort ought to be made to integrate legal immigrants into our national community. Yet, isn’t it fair to ask that they know something about it before they fully take up the responsibilities, and not just the advantages, of what has been the core of citizenship?”

Critics of noncitizen voting contend that loyalty is a legitimate claim to make on newcomers, and the test for loyalty is immigrants’ willingness to become U.S. citizens.

Our Constitution begins “We the people of the United States’ not “We the inhabitants’ or ‘We the taxpayers’ or ‘We the consumers.’ Our political institutions therefore ought to be reserved for the American people—citizens either by birth or by choice, joined in the common goal of forming a more perfect union. . . . Think of becoming a citizen as similar to getting married to America. The oath of citizenship even sounds like a wedding vow: ‘I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty.’ Until he or she becomes a citizen, the immigrant and America are just living together, learning about each other before considering a permanent commitment. . . . Voting—in any kind of election—is the culmination of that process, not just a step along the way.”

But such arguments ignore the fact that people born in the United States are not required to swear allegiance to the Constitution. Not only is it flawed to assume that native-born residents are “loyal,” but it is equally untrue that noncitizens are not “loyal.” This argument overlooks that immigrants are, in fact, already community members. A measure of noncitizen commitment and loyalty is evident in their choice of coming to the United States and, perhaps more tellingly, in their continued presence here. Noncitizens demonstrate their commitment and loyalty daily, such
as in participating in voluntary organizations or opening a small business. To make their right to participate in the management of public affairs dependent upon renouncing citizenship to their home country—which might preclude their right to return or to hold property in their country of origin—amounts to denial of the latter rights. Given the magnitude of such consequences, including not seeing family and loved ones, many immigrants don’t naturalize yet live in the U.S. for decades.

Advocates argue that the fact that over one hundred countries allow dual citizenship “renders moot the question of loyalty to either the source or the host country,” just as naturalized persons ostensibly can maintain ties and loyalties to their home country but vote in elections in their adopted homes. Proponents of noncitizen voting further counter that “migrant workers are able to earn more money and better protect their rights if they are citizens of both their native land and their newly adopted homeland. A good citizen is one who participates in civic life, not one who merely feels patriotic affinity.” Ashira Pelman Ostrow notes that “plural residents are subject to local taxes and ordinances and are profoundly affected by policies that concern their second-home communities. Yet, in most states, individuals are prohibited from voting in more than one location through voting statutes that equate residence with domicile.”

Ostrow argues that dual citizens should have dual resident voting rights, from both an “equal protection” legal standpoint as well as “normative arguments arising from the democratic tradition of government by the consent of the governed and against taxation without representation.”

Finally, advocates argue, there is a double standard being applied. The U.S. sanctions and encourages U.S. citizens living abroad to vote in U.S. elections by using absentee overseas ballots, and many U.S. citizens vote as foreign nationals in their host countries’ elections that permit noncitizen voting. These policies and practices are hypocritical, advocates contend.

Noncitizens Lack Sufficient Knowledge to Make Informed Decisions

Another argument that opponents make is that noncitizens lack sufficient knowledge of and feeling for American political institutions and issues to make informed voting decisions. “[N]o 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 positions of responsibility 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; it can be done from start to finish with the pull of a lever.”

But specific knowledge is not a prerequisite for political participation. If it were, many native-born citizens would fail tests of even basic political knowledge, as survey research has consistently shown. Moreover, such notions come dangerously close to those previously used to impose literacy tests, or to exclude or expel people on the basis of ideological beliefs. Opponents who argue that immigrants need time to become politically socialized are making the same kind of arguments that justified the exclusion of blacks and women from the vote: they do not know enough, we have to train them, and so on. Advocates decry these arguments as paternalistic. In addition, advocates contend that immigrants who would vote in local elections are not much different from citizen residents who move from one place in the U.S. to another—both would need to learn about the political system, candidates, issues, and so on of their new home. Whether it is a student who moves from Kalamazoo, Michigan, to Los Angeles; an artist who moves from Austin, Texas, to New York City; or an immigrant who moves from Cambodia to St. Paul, Minnesota, all will need to learn about the government, candidates, and issues of their new local communities. The point here is that opponents of noncitizen voting assume that citizens are capable of such learning but immigrants are not. Advocates argue this is a double standard that smacks of justifications to keep immigrants oppressed.

As Cheryl Wertz of the New York Coalition to Expand Voting Rights put it,

I have also heard many times that immigrants don’t understand enough about U.S. government or our electoral process to be informed voters. But let’s be honest here, the vast majority of New Yorkers couldn’t tell you what the Public Advocate does. So why do we have this double standard for non-citizens? Before the Civil Rights movement, the idea that African-Americans weren’t informed about the electoral process was frequently used as an excuse to keep people out of the polls. We have ended literacy tests. Knowledge-based tests for inclusion in the franchise are no less reprehensible.

In addition, most “education” on campaign issues often occurs in the few weeks and months before an election, not years prior, and is all too often done by the media and candidates anyway. Even conceding that political education has long-term components, it is not safe to assume that large differences would exist between the two populations. In fact, because noncitizens have chosen this country rather than been born into it, and are in the process of learning English and about U.S. culture, they often pay
more attention to the events around them than many disaffected citizens do. Furthermore, foreign-language television, radio, and newspapers in many immigrant communities keep people up to date on politics here as well as abroad. If it is the politics of immigrants that opponents dislike or fear, that is a different matter, and one that deserves to be publicly debated.

Natalie Smith of the Campaign for Immigrant Voting Rights presented Cambridge city councillors copies of a U.S. naturalization form and citizenship test to illustrate how the federal government "holds immigrants to standards that most U.S. citizens are not held to... Some say, 'you need to be here [in the U.S.] a while to see how it works.' But someone can come here [Cambridge] from Arizona and not be civically engaged, but someone can come from France and be very civically engaged, so that doesn't hold very much water. Some immigrants are better informed, educated, and care [more] about public affairs [than native-born Americans]."102

Noncitizens Could Influence Outcomes of Contentious Policy Debates

Opponents of noncitizen voting also argue that noncitizens would tip the political balance in a state or community by voting in their own interest. For example, noncitizens could vote to grant state public assistance to undocumented people, or permit bilingual instruction in the public schools.

While it may be true that many noncitizen immigrants might vote for such policies, native-born citizens also vote their own interests. Neither group, however, is homogeneous. It is not exactly clear how noncitizens would actually vote and what impacts they would actually have on the political balance of power. Indeed, this is an area that requires more research. There is some evidence about the voting patterns of newly naturalized U.S. citizens—as well as noncitizen voting in Europe—which suggests that only modest shifts, if any, would occur.103 However, newly naturalized immigrants do tend to be more sympathetic toward other noncitizen immigrants than native-born citizens.104

What lies at the heart of opponents' concerns appears to be their objections to specific policies. Indeed, opponents' worries seem to be more about how immigrant voting will affect electoral outcomes and public policy. Essentially, what is at issue are questions about who will control government and whose interests will be represented.

Advocates counter by arguing that the enfranchisement of immigrant voters could invigorate electoral dynamics and produce a general increase in the democratic participation of all classes of voters. Indeed, social and political conflicts might be able to be worked out at the ballot box instead of on the streets. This was one of the arguments used in the Washington, D.C., campaign for noncitizen voting, which began following riots in 1991 in the neighborhoods of Adams Morgan and Mount Pleasant, majority Latino neighborhoods.105 City Councilman Frank Smith Jr., who represented Mount Pleasant, introduced a bill that would have allowed noncitizens to vote in municipal elections.106 Similarly, New York's campaign to extend voting rights to noncitizens in the early 1990s came at a time when protests and rioting swept through Washington Heights, a largely Dominican community. These events propelled a twenty-four-member Task Force on New Americans in the Democratic-dominated New York State Assembly to introduce legislation that would have enabled municipalities to extend voting rights to noncitizens.107 In the case of New York, a multicultural coalition of legislators and advocates sponsored the legislation. But inter-racial competition mired an effort to extend noncitizen voting rights in Los Angeles in 1992. In this instance, Leticia Quezada, the first Latina president of the school board in Los Angeles, proposed a bill that would have allowed noncitizen parents to vote in school board elections. Some African Americans opposed the measure, seeing it as a veiled attempt to expand her base. When a school board meeting was postponed, Latino parents threatened to pull their children out of school in protest.108 The measure lost.

Granting Noncitizens Voting Rights Would Increase Election Fraud

Opponents of noncitizen voting contend that allowing immigrants to vote would open doors to electoral fraud. Critics argue that unethical immigrants or dishonest politicians might use corrupt voting practices to compromise the integrity of the ballot. Hearkening back to the historical period, where allegedly rampant electoral fraud was committed by political machines and new immigrants, opponents worry that such practices—from vote buying and selling to voting more than once—would return. In fact, concerns about immigrant voting fraud in the 2004 presidential election reached new heights, leading to unprecedented ballot security operations mounted by Republicans and Democrats and their allies.109

Logically, however, immigrants are no more likely to be bought or sold than citizens. Moreover, there is little hard evidence of voter fraud, both historically and contemporarily.110 Furthermore, strong antifraud measures are already in place that can detect and deter fraud.

To be sure, there are practical administrative problems of managing the simultaneous registration and voting of different classes of electors while preventing potential double voting or other fraud. Jurisdictions will have to determine whether voters must provide identification at
poll sites and/or during the registration process. Decisions will also need to be made about whether to restrict voting to legally admitted noncitizens who have been residing in a jurisdiction for a certain period of time (such as Amherst, Massachusetts, did, as opposed to Cambridge, Massachusetts, and towns in Maryland that extended voting rights to all noncitizens). In order to reduce the potential for erecting cumbersome barriers to participation—as well as costs and confusion—the fewer the distinctions made between classes of voters and procedures that are required, the better.

Thankfully, existing systems that allow noncitizens to vote illustrate the viability of such reforms. For example, Takoma Park, Maryland, allows all noncitizens—legal permanent residents and undocumented immigrants—to vote in local elections. Maryland’s election administrators keep two separate lists: one for both citizens and noncitizen voters to vote in local elections; and a separate list for citizens to vote in state and national elections. Election administrators have developed two types of voter registration forms and use them to draw up the two different lists. For local elections—where both citizens and noncitizens vote—the clerks merge the two lists. In this way, the only people who know citizens from noncitizen voters are the election clerks. From the vantage point of an observer, all voters look the same. After a local election, however, noncitizen voter cards are removed from the voter lists and kept separately. Only citizens will appear on the voter lists for elections of state and federal offices. In Massachusetts, the city of Cambridge conducts an annual census. The city census form contains a box that asks whether the resident is a citizen or not. Advocates argued that the Elections Commission could draw up a list of noncitizen voters from this existing process. They also argued such a mechanism would impose few additional costs. The Election Commission did not oppose this proposal, and it was approved by the Cambridge City Council on May 5, 2003. Voters would still have to register to vote—both citizens and noncitizens. To guard against possible fraud, the Elections Commission sends a nonforwardable mail check to registered voters to verify residency. If the form is returned to the Elections Commission as undeliverable, registered voters are removed from the voter rolls (within certain prescribed procedures and proper follow-up verification). Such mechanisms could be implemented in nearly all communities in the U.S. because election officials routinely send mail notifications to registered voters during an election year, which municipalities could expand to all residents with appropriate language and procedural changes. Europe also provides viable examples.

Politics of Noncitizen Voting Campaigns
Which groups and political actors fought for and against such efforts? What factors contributed to distinct outcomes? Several key characteristics stand out in nearly every campaign: demographic shifts propel immigrant mobilization; proponents of noncitizen voting engaged in effective grassroots organizing, coalition building, and lobbying; and sympathetic politicians, mostly liberal Democrats or Green Party members, enacted or supported legislation. Campaigns for immigrant voting rights often emerge in conjunction with related struggles, such as for affordable housing, equal treatment, and so on. In some cases, grassroots mobilizations have raised the specter of potential challengers to incumbent politicians of all political stripes. In each case, granting voting rights to noncitizens was seen as an extension of active efforts to foster an inclusive and participatory democratic polity.

On the other side, opponents of noncitizen voting have been conservative Democrats and Republicans and representatives of all political stripes who view noncitizen voters as a potential threat to their incumbency, community residents and groups that feel threatened by the influx of newcomers, and others who object on other grounds described above. In every case campaigns were contentious and hotly debated. In the end, the divide comes down to who will hold power and have sway in policy making.

Immigrant voting is seen by advocates as one means to defend against nativist attacks and advance a progressive agenda. Immigrants’ taxation without representation not only challenges the legitimacy of America’s mantle of democratic governance and political tolerance, but also provides a rationale and foundation on which to organize progressive politics. Noncitizen political participation could help strengthen progressive alliances in electoral contests and public policy formation. For advocates, immigrant voting can give other minority groups greater means to forge winning voting blocs that can advance their mutual interests. Indeed, immigrant votes historically often accounted for the difference between the winners and the losers in elections. Advocates hope to replicate such results today.

Of course, immigrant rights advocates are simultaneously pursing other avenues to advance such goals, including improving the naturalization processes and reducing the backlog of citizenship applications, advocating for dual citizenship, pursuing pathways to regularize the status of undocumented immigrants (such as the Dream Act or other proposals for amnesty), and struggling for a range of public policies that could improve the economic and social conditions of working people more generally. To be sure, these strategies and tactics are not mutually exclusive. Indeed, many see them as compatible and reciprocally reinforcing.
Just as the civil rights movement sought to extend the franchise to African Americans and others who had been barred from voting, a renewed movement for human rights would further extend the franchise to new Americans. As the U.S. population becomes more diverse, forging electoral coalitions beyond a “politics of black and white” and “black versus brown” will be necessary to achieve a progressive majority. To the extent this might be accomplished along working-class lines, racial and ethnic conflict could be mitigated. One step that could help forge progressive alliances is the establishment of a truly universal franchise, which would provide for non-citizen voting. Benefits would accrue to all community members, particularly to communities of color, poor and working-class communities, and urban and metropolitan residents more generally. Underscoring the common social and economic interests that exist between such groups suggests a political agenda that could unite them, especially in the face of the present conservative reaction; growing economic, social, and political polarization; and the declining standards of living that an alarming and growing number of Americans face.

Making common cause among immigrants—and with other people of color, particularly African Americans—is crucial to forge a progressive agenda. Together they are, after all, the emerging working-class majority. Of course, invoking the need for working-class solidarity across racial and ethnic lines will not by itself overcome the multiple and significant challenges that progressives face in forging and sustaining such alliances. The palpable discomfort—and outright conflict—of African Americans with many of the newcomers who they perceive as undermining hard-won gains are no small obstacles. Still, infusing immigrant issues as human rights issues into the ongoing work of real, effective, and sustainable multiracial coalitional efforts is a start. For example, groups working to restore the voting rights of ex-felons have increasingly teamed up with advocates of immigrant voting rights. Essentially, such groups are attempting to expand the franchise and increase the voting power of disenfranchised groups.

Creation of a truly universal suffrage could foster conditions conducive to forming progressive coalitions. Imagine the progressive political possibilities in jurisdictions with high numbers of immigrants such as New York City; Los Angeles; Washington, D.C.; and Chicago—as well as in such states—if noncitizens were re-enfranchised. Political parties and candidates—not to mention insurgent parties, factions, and contenders—would have greater pressure to be responsive to the issues and interests of these new voters. Just as labor has made overtures to organize immigrants, dominant political parties and candidates are increasingly turning their attention toward immigrants. It would be desirable for progressives to lead the way. Even if it turns out that most immigrants do not vote for progressive causes, it is a risk that progressives should be willing to take for democratic principles. For this and other reasons, advocates draw upon the civil rights tradition to advance immigrant rights, making noncitizen voting akin to a contemporary suffrage movement. Jamin Raskin, for example, argued a dozen years ago that “immigrant rights are the civil rights” of the day and “by that logic, noncitizen voting is the suffrage movement” of our time.

By the same token, opponents object to what they perceive as a slippery slope: granting noncitizens voting rights in even school board and local elections would open the way to immigrant—and liberal influence—in other realms. Moreover, instead of closing U.S. borders and stemming the influx of the newcomers—particularly “illegal” immigrants from developing countries such as Mexico—which is one of the main goals of opponents who see such immigrants as diluting and undermining the essence of American culture and society, immigrant voting threatens to tip policy in the other direction. Indeed, some opponents see immigrant voting merely as a ploy by immigrant rights advocates to obtain amnesty and open the floodgates wider. Furthermore, they view such initiatives as an effort by Democrats to gain more votes and political power. This is the not-so-subtle subtext of opponents’ objections: the unmaking of America by immigrants and the political challenge of liberals.

We now turn to the campaigns and places in the United States where noncitizen voting rights have been won, are being waged, and were lost, in order to further examine the people and politics of such initiatives.