

# Wisconsin Watchdog.org

## Could non-citizens decide the U.S. presidential election?

Posted By [M.D. Kittle](#) On March 25, 2016 @ 3:51 am

MADISON, Wis. – Independents and so-called “anti-establishment” voters have had much to say about the presidential race so far.

But could illegal immigrants and other non-citizens ultimately decide the contest?

One elections expert said that is a distinct possibility.

“My biggest fear in the upcoming election is people who are not U.S. citizens registering and voting and potentially making a difference ... if we have a close election,” said [Hans von Spakovsky](#) <sup>[1]</sup>, senior legal fellow in The [Heritage Foundation's Edwin Meese III Center for Legal and Judicial Studies](#). <sup>[2]</sup>

The former Federal Election Commission member pointed to cases across the country, particularly in high illegal immigrant entry point states, where non-citizens have been caught registering and voting in elections.

The numbers are alarming.



**THE DECIDING FACTOR:** In a closely contested presidential election where every vote will count, voter fraud among illegal immigrants could be the decider, an election law expert says.

“Most non-citizens do not register, let alone vote. But enough do that their participation can change the outcome of close races,” the researchers wrote in the [Washington Post](#). <sup>[4]</sup>

In a tight presidential contest, 2.2 percent of non-citizens voting – and certainly 6.4 percent – could make a difference in the outcome of the election. The vast majority of non-citizen votes went to Democratic candidates, according Earnest and Richman. The study does not provide definitive total vote numbers, and the [study's methodology has been criticized inside and outside the scientific community](#). <sup>[6]</sup> The authors stand by their research.

Von Spakovsky said the Obama administration's Department of Justice is turning a blind eye to the problem – by design.

The elections expert has personal experience with the federal government's lax oversight.

An academic report published in the December 2014 issue of [Electoral Studies](#) <sup>[3]</sup> found more than 14 percent of non-citizens in 2008 and 2010 samples reported being registered to vote.

“Our best guess, based upon extrapolations from the portion of the sample with a verified vote, is that 6.4 percent of non-citizens voted in 2008 and 2.2 percent of non-citizens voted in 2010,” reported [David Earnest and Jesse Richman](#). <sup>[4]</sup> political science professors at Old Dominion University in Norfolk, Va.

The data was drawn from the [Cooperative Congressional Election Study](#). <sup>[5]</sup> which included 32,800 observations in 2008 and 55,400 in 2010. The data pool provides “sufficient samples of the non-immigrant sub-population, with 339 non-citizen respondents in 2008 and 489 in 210,” the authors wrote.

He served on a Virginia county elections board that found nearly 300 non-citizens registered to vote in that county alone.

"We took them off the list. About half of them had actually illegally voted," Von Spakovsky told Wisconsin Watchdog on the [Vicki McKenna Show earlier this week](#).<sup>[7]</sup> "We sent that information to the Obama administration, to the Justice Department, because it's a felony what (the non-citizens) were doing under federal law."

"They had no interest in it."

The Justice Department, in fact, has targeted states that have attempted to purge ineligible voters from their registration rolls, citing the Voting Rights Act and the National Voter Registration Act. And the U.S. Department of Homeland Security has refused to share its immigration database with election officials.

Proponents of expanded voter rolls accuse critics of fostering a dark conspiracy that voter fraud lurks around every election booth. They sound very confident that voter fraud has been wiped from the map of fair and open elections.

[Wendy Weiser](#)<sup>[8]</sup>, director of the Democracy Program at the left-wing [Brennan Center for Justice](#)<sup>[9]</sup>, in 2012 declared that voter fraud claims generally amount to "smoke without any fire."

"Voter fraud would be a real problem if it actually happened. It's a serious crime, and one that can undermine our democracy. Fortunately, it's a crime we have largely figured out how to prevent," she wrote in [U.S. News & World Report](#).<sup>[10]</sup> She pointed to a South Carolina case in which a review found that complaints about more than 900 dead people voting in elections turned out to be nothing more than "clerical errors, bad data matching, and stray marks on scanners."

But in many cases, efforts to track voter fraud have been pushed aside by opponents who charge that such campaigns are politically driven, even "racist."

Case in point, Milwaukee in 2004. The city formed a task force to look at incidents of voting irregularities.

"Apparently it was so embarrassing that city officials dismantled it after it came out with a very critical report that showed all kinds of discrepancies and potential fraud and other things," Von Spakovsky said.

While [33 states](#)<sup>[11]</sup>, including Wisconsin, have enacted voter ID laws, he said that's just a good first step in preventing fraud in the elections system.

He said proof of citizenship will be critical in making sure non-citizens aren't allowed to determine the outcome of the 2016 elections.

Again, the federal government is fighting the states trying to enhance those efforts.

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[1] Hans von Spakovsky: <http://www.heritage.org/about/staff/v/hans-von-spakovsky>

[2] Heritage Foundation's Edwin Meese III Center for Legal and Judicial Studies.: <http://www.heritage.org/about/staff/departments/center-for-legal-and-judicial-studies>

[3] Electoral Studies: <http://www.sciencedirect.com/science/article/pii/S0261379414000973>

[4] David Earnest and Jesse Richman, : <https://www.washingtonpost.com/blogs/monkey-cage/wp/2014/10/24/could-non-citizens-decide-the-november-election/>

[5] Cooperative Congressional Election Study.: <http://projects.iq.harvard.edu/cces/home>

[6] study's methodology has been criticized inside and outside the scientific community.: <http://www.rgj.com/story/news/politics/2014/10/29/fact-checker-noncitizen-voters-swing-senate/18131029/>

[7] Vicki McKenna Show earlier this week.: <http://wiba.iheart.com/media/play/26835936/>

[8] Wendy Weiser: <http://www.brennancenter.org/expert/wendy-r-weiser>

[9] Brennan Center for Justice: <http://www.brennancenter.org/>

[10] U.S. News & World Report.: <http://www.usnews.com/debate-club/is-voter-fraud-a-real-problem/voter-fraud-claims-are-smoke-without-fire>

[11] 33 states: [https://ballotpedia.org/Voter\\_identification\\_laws\\_by\\_state](https://ballotpedia.org/Voter_identification_laws_by_state)

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