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Do Non-Citizens Vote in U.S. Elections?

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In spite of substantial public controversy, very little reliable data exists concerning the frequency with which non-citizen immigrants participate in United States elections. Although such participation is a violation of election laws in most parts of the United States, enforcement depends principally on disclosure of citizenship status at the time of voter registration. This study examines participation rates by non-citizens using a nationally representative sample that includes non-citizen immigrants. We find that some non-citizens participate in U.S. elections, and that this participation has been large enough to change meaningful election outcomes including Electoral College votes, and Congressional elections. Non-citizen votes likely gave Senate Democrats the pivotal 60th vote needed to overcome filibusters in order to pass health care reform and other Obama administration priorities in the 111th Congress.

Keywords: non-citizen, voting, immigrant, enfranchisement, vote fraud, registration, voting rights

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1. Introduction

This analysis provides some of the first available nationwide estimates of the portion of non-citizen immigrants who vote in U.S. elections. These estimates speak to an ongoing debate concerning non-citizen voting rights within the United States (Earnest 2008; FAIR 2004; Fund and von Spakovsky 2012; Hayduk 2006; Immigration Policy Center 2012; Munro 2008; Quasius 2012; Song 2009; von Spakovsky 2012) and they also speak to broader global questions concerning the normative political place of non-citizens in democratic politics.

Most state and local governments in the United States bar non-citizens from participating in elections (the exception: a few localities in Maryland), but the question of whether non-citizen immigrants can, and should, participate receives varied answers globally (Earnest 2008) with many countries offering at least some opportunity for some resident non-citizens to participate in local elections, and some countries offering full participation in national elections.

The United States also has a long history of noncitizen voting at the local, state and national levels. Aylsworth (1931) notes that “during the nineteenth century, the laws and constitutions of at least twenty-two states and territories granted aliens the right to vote.” From the founding of the Republic to the early 20th century, various territories and states enfranchised noncitizen residents for several reasons. During westward expansion, several territories offered the franchise to entice European migrants to settle so that territories would meet the population criterion for admission to the Union. Similarly, during Reconstruction several southern states offered the franchise to migrants who would replace slave labor. Later, some states enfranchised so-called “declarant aliens” (resident aliens who declared their intent to naturalize) to educate them about the interests and issues of their communities. Yet the practice of enfranchising

noncitizens served less salutary goals as well. By enfranchising only propertied white European men, the practice of noncitizen voting reinforced extant prohibitions on voting by women, African Americans, Asian Americans, the poor and others. By the 1920s, however, following the large migrations of the early 20th century, all states had revoked the voting rights of noncitizens (Earnest 2008, 25-26). Non-citizens voted legally in every presidential election through 1924. By 1928 the last state constitution that protected non-citizen voting (Arkansas') had been amended.

The decision to (dis) enfranchise non-citizens falls within the states' authority to define qualifications for voting. The nineteenth-century practices in various states produced a case-law legacy that most legal scholars conclude permits states to enfranchise noncitizens if legislators so choose. Similarly, on several occasions the Supreme Court has upheld the constitutionality of noncitizen voting because states have the authority to set voter qualifications (Earnest 2008, 25-26). The question of noncitizen voting is, in the end, a political rather than a legal one.

Within the context of the current nearly universal ban on non-citizen voting in the United States, this study examines the voting behavior of non-citizens. To what extent do non-citizens ignore legal barriers and seize ballot access in U.S. elections? We find that non-citizen participation in U.S. elections is low, but non-zero, with an unusual set of covariates with participation, and the potential to change important election outcomes.

2. Data

The data used for this paper is from the 2008 and 2010 Cooperative Congressional Election Studies, based on the files released by Stephen Ansolabehere (2010, 2011). The 2008 and 2010 Cooperative Congressional Election Studies (CCES) were conducted by

YouGov/Polimetrix of Palo Alto, CA as an internet-based survey using a sample selected to mirror the demographic characteristics of the U.S. population. In both years survey data was collected in two waves: pre-election in October, and then post-election in November. The questionnaire asked more than 100 questions regarding electoral participation, issue preferences, and candidate choices.

Four design characteristics make this survey uniquely valuable for our purposes. 1. It has an enormous sample size, which makes feasible sub-population analyses (n=32,800 in 2008 and n=55,400 in 2010). 2. It included a question about citizenship status. 3. Many non-citizens were asked if they voted, unlike other large surveys which filter out non-citizens before asking about voting. 4. Participation and registration were verified for at least some residents in nearly every state for the 2008 survey (Virginia state law barred voting verification).

Inclusion of a validated voting measure is particularly valuable in this context because of important and contradictory social and legal incentives for reporting non-citizen electoral participation. Although variation in the social desirability of voting may skew estimates (Ansolabehere and Hersh 2012) as for other populations, legal concerns may lead some non-citizens to deny that they are registered and/or have voted when in fact they have done both. Validation of registration and voting was performed by the CCES research team in collaboration with the firm Catalyst. Of 339 non-citizens identified in the 2008 survey, Catalyst matched 140 to a commercial (e.g. credit card) and/or voter database. The vote validation procedures are described in detail by Ansolabehere and Hersh (2012). The verification effort means that for a bit more than 40 percent of the 2008 sample, we are able to verify whether non-citizens voted when they said they did, or didn't vote when they said they didn't. For the remaining non-citizens, we have only the respondent's word to go on concerning electoral participation,

although we do attempt to make inferences about their true participation rate based upon the verified portion of the sample.

About one percent of the respondents in each survey identified themselves as non-citizen immigrants (339 in 2008, 489 in 2010).¹ In both years the sample likely includes individuals drawn from more than one category of non-citizen (ranging from permanent resident aliens to those on short-term student visas). In the context of the 2010 CCES, it is possible to identify the exact citizenship status of some respondents because many provided an open-ended response about their citizenship status when asked why they did not vote. For instance, “I’m a permanent resident,” “I have a green card,” “waiting on US Citizenship to come through!” and most commonly simply, “not a citizen.” No individual specifically identified themselves as an illegal or undocumented resident, although one did indicate that he or she hadn’t voted because the individual “didn’t have greencard [sic] yet.” It is possible that some respondents were without any documentation whatsoever (popularly called “illegal aliens”), though this cannot be confirmed or rejected with the information available as no respondent specifically self-identified themselves as illegal or undocumented (but many did not specifically identify themselves as having permanent resident status).

A critical question for this project is whether respondents’ self-identification as non-citizens was accurate. If most or all of the “non-citizens” who indicated that they voted were in fact citizens who accidentally misstated their citizenship status, then the data would have nothing

¹ Since the total legal permanent resident population in 2008 of 12.6 million (Rytina 2011) was approximately four percent of the overall U.S. population, and the total non-citizen adult population in 2011 was 19.4 million (CPS 2011), the non-citizen population was under-sampled. Nonetheless, the sample that was collected provides the first nation-wide sample from which analysts can draw inferences concerning electoral participation by non-citizens in United States elections.

to contribute concerning the frequency of non-citizen voting. Appendix 1 includes demographic, attitudinal, and geographical analyses designed to assess whether those who stated that they were non-citizens were in fact non-citizens. It builds a strong construct or concurrent validity case for the validity of the measure. We demonstrate that self-reported non-citizens who voted had similar racial, geographic, and attitudinal characteristics with non-citizens who did not vote, and that as a whole the non-citizens in our sample had racial, attitudinal, and geographic characteristics consistent with their reported non-citizen status. Given this evidence, we think that the vast majority of those who said they were non-citizens were in fact non-citizens.

For 2008, the median length of residence at the current address for non-citizens was 1 to 2 years, with 16.9 percent residing at the current address for less than seven months, and 25.7 percent residing at the current address for 5 or more years. This is considerably more mobile than the overall sample, which has a median length of residence of over 5 years (57.1 percent). In 2010 the median time spent at the current address by non-citizens was 3 years, and respondents were also asked how many years they had lived in their current city with a median response of 5 years. A few respondents have been in the U.S. for a long time. One 2010 respondent explained “I am English although I've lived here for 26 years and am balking at becoming a citizen for multiple reasons although I know I really need to do this for my family's financial future. So I am active in politics and know more than most Americans.”

It is impossible to tell for certain whether the non-citizens who responded to the survey were representative of the broader population of non-citizens, but some clues can be gained by examining education levels. Census bureau estimates (Census 2012) suggest that the sample contains slightly more college-educated respondents (30.6 percent) than the overall foreign born population (26.8 percent), and many fewer respondents with less than a high-school education

(8.3 percent versus 33.3 percent). The paucity of uneducated non-citizens in the sample would in most circumstances be expected to bias sample voting participation upward. However, given our results concerning the association between participation and education (discussed below) it may well be that the paucity of uneducated non-citizens in the CCES sample biases the turnout estimates down rather than up. We confront this issue primarily by weighting the data.

Throughout the analysis (with the exception of the appendix) we report results produced from weighted data. Weight construction began with CCES case weights, but then adjusted these by race to match the racial demographic of the non-citizen population. Our concern with using regular CPS case-weights was that weights were constructed based upon overall demographic characteristics without attention to the demographic character of the non-citizen population. For instance, the Census Bureau estimates (Census Bureau 2013) that 6.7 percent of non-citizens are Black.² The unweighted 2008 CPS dataset slightly over-counts non-citizen respondents who identified their race as “Black” at 9.1 percent. The weighted 2008 CPS by contrast dramatically over-counts non-citizen respondents who self-identified their race as “Black” at 14.1 percent. We constructed a new weight variable that adjusted the CCES case weight to (1) preserve the actual number of respondents in the sample in the face of a tendency for non-citizens to be in demographic groups receiving higher weights, and (2) match Census Bureau (CPS 2011) estimates of the racial characteristics of the non-citizen population. Results for weighted data were qualitatively similar to (but somewhat lower than) results with unweighted data for the key voting variables. Weighting produces a non-citizen sample that

² Here we combine the categories Black or African American, Black or African American and White, or Black or African American and Native American -- 6.6 percent were Black or African American alone.

appears to be a better match with Census estimates of the population. For instance, 32.5 percent of the weighted sample had no high school degree.

3. Participatory Stages

Participation in U.S. elections requires that would-be voters complete a series of steps including: registering to vote, traveling to a polling place or requesting an absentee ballot and presenting any required identification, and casting a ballot. At each stage, legal barriers to non-citizen voting may lead to lower participation. Only if all stages are surmounted will the non-citizen cast a ballot in a U.S. election. At any stage, concern about the potentially high legal costs of non-citizen voting, or enforcement of official requirements for ballot access may prevent non-citizen voting.

3.1 Registration

Non-citizen voter registration is a violation of election law in almost all U.S. jurisdictions, the lone exceptions are for residents of a few localities in Maryland. Most non-citizens did not cross the initial threshold of voter registration, but some did. In 2008, 67 non-citizens (19.8%) either claimed they were registered, had their registration status verified, or both. Among the 337 immigrant non-citizens who responded to the CCES, 50 (14.8%) indicated in the survey that they were registered. An additional 17 non-citizens had their voter registration status verified through record matches even though they claimed not to be registered. Perhaps the legal risks of non-citizen registration led some of these individuals to claim not to be registered. In 2010 76 (15.6%) of non-citizens indicated that they were registered to vote in either the pre-election or post-election survey waves.

In 2008, the proportion of non-citizens who were in fact registered to vote was somewhere between 19.8% (all who reported or had verified registration, or both) and 3.3% (11 non-citizen respondents were almost certainly registered to vote because they both stated that they were registered and had their registration status verified). Even the low-end estimate suggests a fairly substantial population of registered-to-vote non-citizens nationwide. Out of roughly 19.4 million adult non-citizens in the United States, this would represent a population of roughly 620,000 registered non-citizens.³ By way of comparison, there are roughly 725,000 individuals in the average Congressional district.

The “adjusted estimate” row presents our best guess at the true percentage of non-citizens registered. It uses the 94 (weighted) non-citizens from 2008 for whom Catalyst obtained a match to commercial and/or voter databases to estimate the portion of non-citizens who either claim to be registered when they are not (35%) or claim not to be registered when they are (18%). We then use these numbers to extrapolate for the entire sample of non-citizens in 2008 and 2010. Because most non-citizens who said they were registered were in fact registered, and quite a few who said they were not were actually registered, the adjusted estimate is the highest of the three estimates, indicating that roughly one quarter of non-citizens were likely registered to vote.

³ The Census Bureau (CPS 2011) estimates that there were 19.4 million non-citizens age 18 or over living in the United States in 2011.

Table 1. Estimated Voter Registration by Non-Citizens

	2008	2010
Self reported and/or verified	67 (19.8%)	76 (15.6%)
Self reported and verified	11 (3.3%)	N.A.
Adjusted estimate	84 (25.1%)	124 (25.3%)

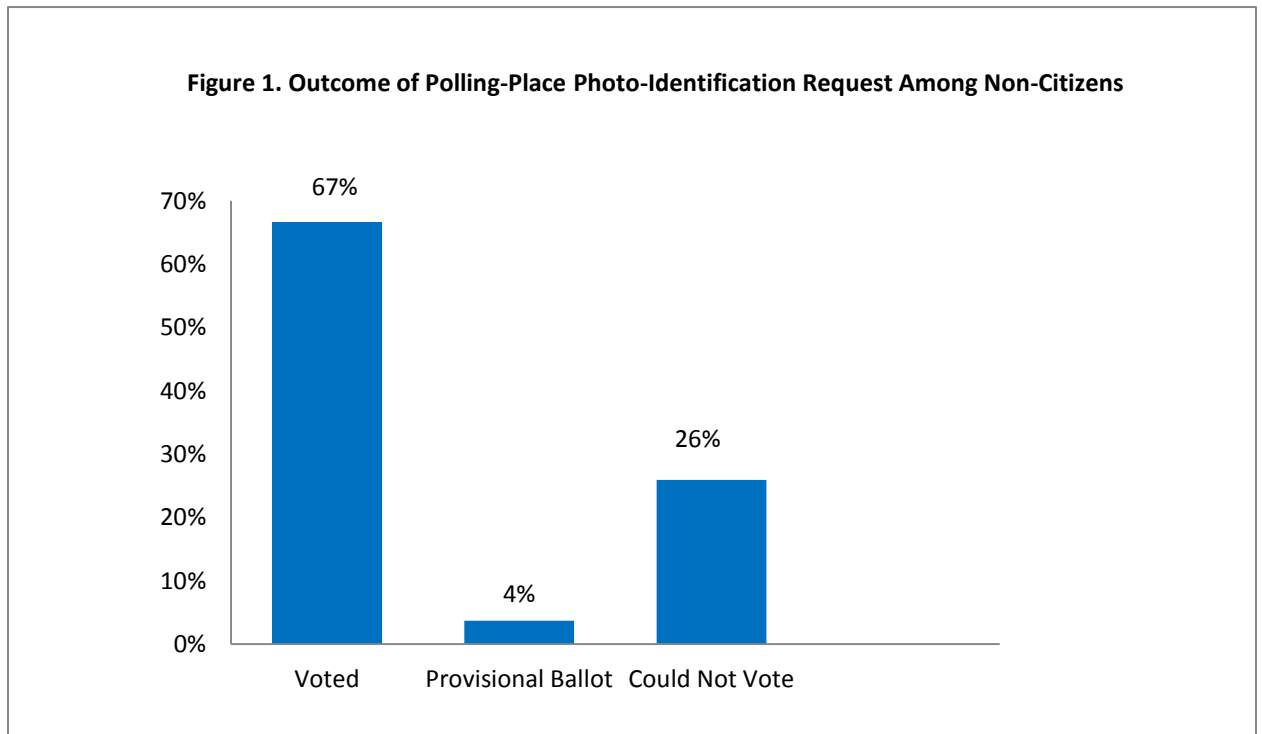
3.2 Voter Identification

Post-registration, another barrier to voting by non-citizens might come in the form of the credential checking that occurs before individuals are permitted to vote on Election Day. In 2008 14 respondents indicated that they did not vote because “I did not have the correct form of identification,” and in 2010 29 indicated that they did not vote because of the absence of necessary identification.

Nonetheless, identification requirements blocked ballot access for only a small portion of non-citizens. Of the 27 non-citizens who indicated that they were “asked to show picture identification, such as a driver's license, at the polling place or election office,” in the 2008 survey, 18 claimed to have subsequently voted, and one more indicated that they were “allowed to vote using a provisional ballot.” Only 7 (25.9%) indicated that they were not allowed to vote after showing identification. These results are summarized in Figure 1. Although the proportion of non-citizens prevented from voting by ID requirements is statistically distinguishable from the portion of citizens⁴ (Chi-Square = 161, $p < .001$), the overall message is that identification requirements do not prevent the majority of non-citizen voting. The fact that most non-citizen

⁴ 0.6 percent of all survey respondents were prevented from voting after showing identification.

immigrants who showed identification were subsequently permitted to vote suggests that efforts to use photo-identification to prevent non-citizen voting are unlikely to be particularly effective. This most likely reflects the impact of state laws that permit non-citizens to obtain state identification cards (e.g. driver's licenses).



3.3 Voting

There is evidence that some non-citizen immigrants voted in both 2008 and 2010. In 2008, thirty eight (11.3%) reported that they voted, had their vote verified, or both. As with registration, claims of voting and validated voting did not intersect very often, in part because the voting question was not asked for all non-citizens who had verified voting, and voter file matches were not available for all non-citizens who claimed that they voted. Twenty seven indicated that “I definitely voted in the November General Election” and 16 had validated general election votes. Only five (1.5%) both claimed that they definitely voted and had a

validated vote. In 2010 thirteen non-citizens (3.5% of respondents to the post-election survey) indicated that they voted. All 2008 and 2010 reported votes by non-citizens were in violation of state election law as no votes were cast by non-citizen respondents from the Maryland localities which allow non-citizen voting.

Table 2. Estimated Voter Turnout by Non-Citizens

	2008	2010
Self reported and/or verified	38 (11.3%)	13 (3.5%)
Self reported and verified	5 (1.5%)	N.A.
Adjusted estimate	21 (6.4%)	8 (2.2%)

How many non-citizen votes were likely cast in 2008? Taking the most conservative estimate – those who both said they voted and cast a verified vote – yields a confidence interval based on sampling error between 0.2% and 2.8% for the portion of non-citizens participating in elections. Taking the least conservative measure – at least one indicator showed that the respondent voted – yields an estimate that between 7.9% and 14.7% percent of non-citizens voted in 2008. Since the adult non-citizen population of the United States was roughly 19.4 million (CPS 2011), the number of non-citizen voters (including both uncertainty based on normally distributed sampling error, and the various combinations of verified and reported voting) could range from just over 38,000 at the very minimum to nearly 2.8 million at the maximum.

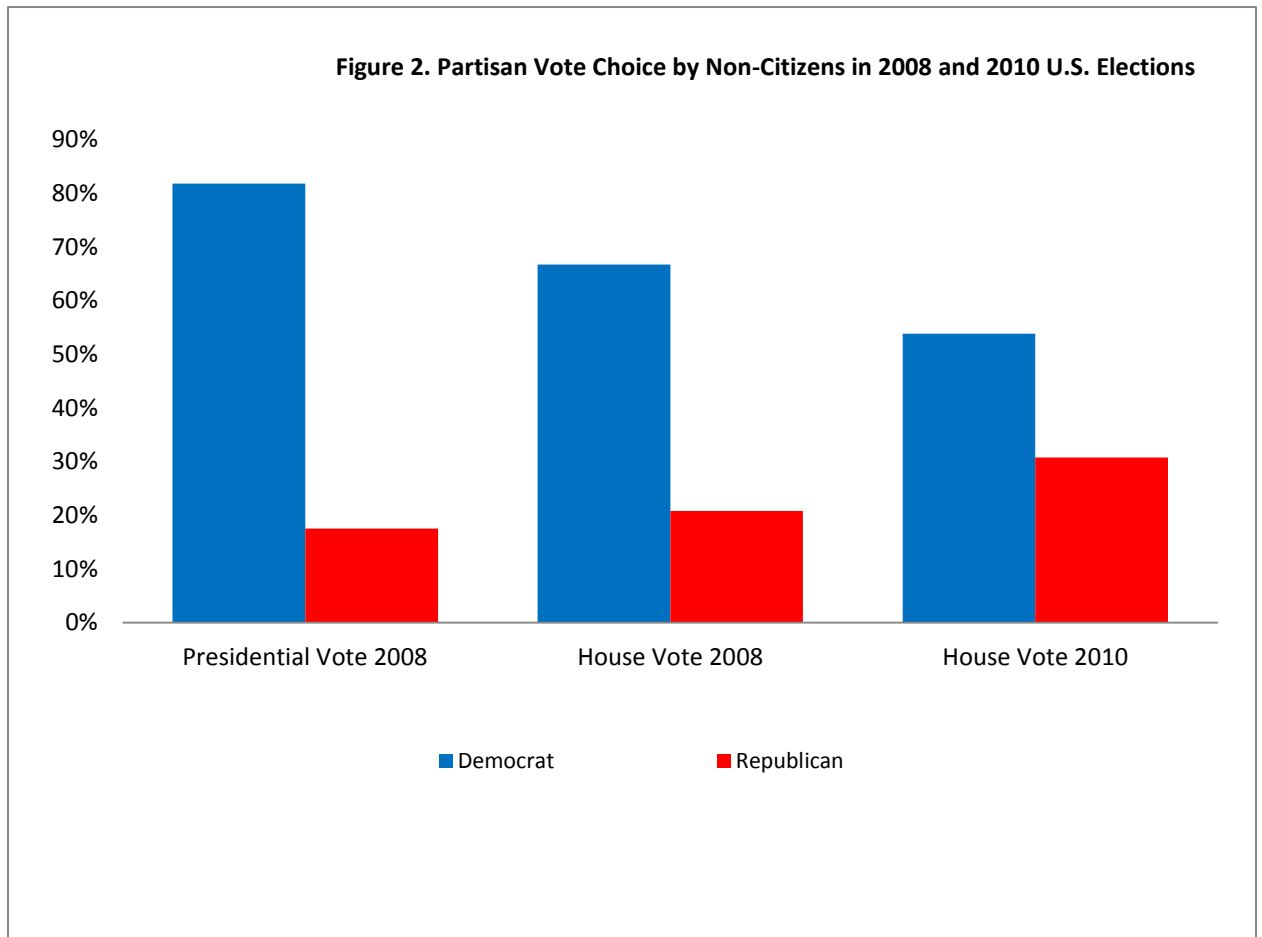
The “adjusted estimate” represents our best guess at the portion of non-citizens who voted. As with voter registration, we extrapolate from the behavior of validated voters in 2008 to

estimate the portion of non-citizens who said they voted but didn't, and the portion who said they didn't vote but did. 71 non-citizens answered a survey question indicating whether they voted, and also had their vote validated. Among these, 56 indicated that they did not vote (but two of these cast a validated vote, while 13 indicated they voted, of whom five cast a validated vote.⁵ The adjusted estimate of 6.4 percent for 2008 is quite substantial, and would be associated with 1.2 million non-citizen votes cast in 2008 if the weighted CCES sample is fully representative of the non-citizen population. To produce an adjusted figure for 2010 we cut by three quarters the estimated number of non-citizens who voted but claimed they did not (somewhat larger than the drop in the number who self-reported voting). This produces an overall estimate that 2.2 percent voted in 2010.

There has been significant debate in the literature concerning the ideological or political leanings of non-citizen voters. In Belgium for instance, Jacobs (2001) found indications that non-citizens often voted for right wing parties, while others (Bird et. al. 2010; Howard 2009; Janoski 2010; Joppke 2003; and Rath 1990) find evidence that left-leaning parties and noncitizens tend to align together. In the 2008 and 2010 U.S. elections, non-citizen voters favored Democratic candidates. Non-citizens who reported voting were asked their candidate preferences, and these preferences skewed toward Democrats. In 2008 66.7 percent reported voting for the Democratic House candidate, while only 20.8 percent reported voting for the Republican candidate. 81.8 percent reported voting for Barack Obama compared to 17.5 percent for John McCain. The difference of proportions is statistically significant using both Chi-Square

⁵ This should produce a very conservative measure of the portion who actually voted, as most of the drop off is among individuals for whom registration status could not be verified (and this could be a result of errors in matching – a match to consumer data could occur even though a match to voter data has been missed). Among non-citizens with verified registration status, 75 percent of those who reported voting had a verified vote, while 30 percent who reported not voting cast a validated vote.

and z tests ($p < .005$) and substantively large for both the House and Presidential vote cases. Similarly in 2010, 53.8 percent of non-citizens reported voting for the Democratic House candidate while 30.7 percent indicated that they voted for the Republican. These results are summarized in Figure 2.



These results allow us to estimate the impact of non-citizen voting on election outcomes. We find that there is reason to believe non-citizen voting changed one state’s Electoral College votes in 2008, delivering North Carolina to Obama, and that non-citizen votes have also led to Democratic victories in congressional races including a critical 2008 Senate race that delivered for Democrats a 60-vote filibuster-proof majority in the Senate. It is possible to evaluate whether non-citizen votes have changed election outcomes by pairing data on the number of

adult non-citizens per state with election margins and our estimates of the frequency with which non-citizens supported Republican and Democratic candidates. For instance each additional non-citizen vote adds an expected 0.643 votes to Obama’s vote margin based on the portion of non-citizens who supported Obama and McCain. By multiplying this decimal by the victory margin for Obama (Federal Election Commission 2009) and then dividing by the number of adult non-citizens in the state (Census Bureau 2013), we can determine the level of non-citizen voter turnout required for non-citizen votes to have given Obama a state-level victory, and assess whether such a turnout is plausible in light of our turnout estimates.

There were five states in 2008 where less than 100 percent turnout among non-citizens could have accounted for Obama’s victory margin. These states, and the required turnout among non-citizens, are shown in Table 3. Virginia (85 percent turnout required) is clearly not a case in which non-citizen votes could have changed the outcome. Our estimates of non-citizen turnout are much lower. Similarly, the turnout required for non-citizens to have made the difference in Florida and Indiana (22 percent and 27 percent respectively) is larger than the upper bound of our turnout estimate. By contrast, North Carolina is a plausible case. If more than 5.1 percent of non-citizens residing in North Carolina turned out to vote in 2008, then the vote margin they gave Obama would have been sufficient to provide Obama with the entirety of his victory margin in the state. Since our best estimate is that 6.4 percent of non-citizens actually voted, it is likely though by no means certain that John McCain would have won North Carolina were it not for the votes for Obama cast by of non-citizens.

Table 3. Non-Citizen Turnout Required to Account for 2008 Obama Win of State

State	Obama Victory Margin (FEC 2009)	Number of Adult Non-Citizens (Census Bureau 2013)	Non-Citizen Turnout Required to Account for Obama Victory Margin
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North Carolina	14,177	432,700	5.1%
Florida	236,450	1,684,705	21.8%
Indiana	28,391	165,210	26.7%
Nevada	120,909	275,565	68.2%
Virginia	234,527	427,535	85.3%

A similar analysis reveals that there was one House race and one Senate race during the 2008 and 2010 election cycles which were close enough for votes by non-citizens to potentially account for the entirety of the Democratic victor's margin. As before this analysis merges Census estimates of the number of adult non-citizens by House district and State with FEC tabulations of final election results. In 2008 there were 22 House races and two Senate races in which the Democratic candidate's winning margin was small enough that less than 100 percent turnout among non-citizens could account for Democratic victory, and in 2010 there were 24 such House districts and three Senate races.⁶ In the two instances shown in Table 4 the required turnout is small enough that it is quite likely non-citizen participation led to victory by the Democratic candidate -- the necessary non-citizen turnout is within the range of our turnout estimates. As with the presidential-election results above, this analysis suggest that non-citizen turnout is large enough to have had a modest, but real, influence on election outcomes in the US.

Table 4. Non-Citizen Turnout Required to Account for Democratic Congressional

Victories

State, District, and year	Democratic Candidate Victory Margin (FEC)	Number of Adult Non-Citizens (Census Bureau 2013, 2014)	Non-Citizen Turnout Required to Account for Democrat Victory Margin
MN Senate (2008)	312	180,020	0.65%
VA 5 (2008)	727	19,845	6.94%

⁶ Each analysis assumes that non-citizens voted for D and R candidates at the relevant national percentages from that election year and for that office. E.g. 68 percent voted for House Democrats in 2010.

The most important race identified in Table 4 is undoubtedly the Minnesota 2008 Senate contest. This race, ultimately decided by 312 votes for Democrat Al Franken, was of critical national importance. It gave Democrats the filibuster-proof super-majority needed to pass major legislative initiatives during President Obama's first year in office. The Patient Protection and Affordable Care Act, for instance, would have had a much more difficult path to passage were it not for Franken's pivotal vote. The MN 2008 Senate race is also the race where the smallest portion of non-citizen votes would have tipped the balance – participation by more than 0.65% of non-citizens in MN is sufficient to account for the entirety of Franken's margin. Our best guess is that nearly ten times as many voted.

4 Is Non-Citizen Voting Intentional or Accidental?

The fact that non-citizen voting is illegal in most parts of the United States means that those who voted were potentially violating the law. The decision to participate in spite of de-jure barriers may at times be an intentional act of protest against the failure to enfranchise non-citizen residents. On the other hand, some may have violated election laws accidentally because they were unaware of legal barriers to electoral participation.

Education rates may provide some clues concerning the balance between ignorance and activism. If activism drives non-citizen voting, then participation rates should be higher among better educated individuals who are more likely to be attentive to normative arguments in favor of enfranchising non-citizen residents. If ignorance of legal barriers drives voting, then participation rates should be higher among those who are more poorly educated.

Unlike other populations, including naturalized citizens, (Bass and Casper 2001, Meyer 2011) education is not associated with higher participation among non-citizens. In 2008, non-

citizens with less than a college degree were significantly more likely to cast a validated vote (Somers' $d = -0.17$, $p < 0.001$), and no non-citizens with a college degree or higher cast a validated vote. Non-citizens with more education were also not significantly more likely to self-report voting in 2008 or 2010. This hints at a possible link between non-citizen voting and lack of awareness about legal barriers.

5 Conclusions

Our exploration of non-citizen voting in the 2008 presidential election found that most non-citizens did not register or vote in 2008, but some did. The proportion of non-citizens who voted was less than fifteen percent, but significantly greater than zero. Similarly in 2010 we found that more than three percent of non-citizens reported voting.

These results speak to both sides of the debate concerning non-citizen enfranchisement. They support the claims made by some anti-immigration organizations that non-citizens participate in U.S. elections. In addition, the analysis suggests that non-citizens' votes have changed significant election outcomes including the assignment of North Carolina's 2008 electoral votes, and the pivotal Minnesota Senate victory of Democrat Al Franken in 2008.

However, our results also support the arguments made by voting and immigrant rights organizations that the portion of non-citizen immigrants who participate in U.S. elections is quite small. Indeed, given the extraordinary efforts made by the Obama and McCain campaigns to mobilize voters in 2008, the relatively small portion of non-citizens who voted in 2008 likely exceeded the portion of non-citizens voting in other recent U.S. elections.

Our results also suggest that photo-identification requirements are unlikely to be effective at preventing electoral participation by non-citizen immigrants: In 2008, more than two thirds of

non-citizen immigrants who indicated that they were asked to show photo-identification reported that they went on to cast a vote. A potential response to the inefficacy of photo-id at preventing non-citizen voting is found in laws recently passed by Kansas and Arizona that require voter registrants to prove citizenship. By highlighting and emphasizing the citizenship requirement (and by requiring documentation non-citizens should be unable to provide) it seems likely that such laws would prevent more non-citizens from voting. That said, enforcement would be critical for efficacy (and much would depend here upon local election officials), particularly since federal voter registration forms do not require proof of citizenship. In addition, already registered non-citizens might well be able to continue voting. In any case such measures would come with significant costs for some citizens for whom the necessary documentation could be challenging to provide.

Ultimately, the results of our analysis provide a basis for informed reflection concerning the role of non-citizens in U.S. elections. They demonstrate that in spite of de-jure barriers to participation, a small portion of non-citizen immigrants do participate in U.S. elections, and that this participation is at times substantial enough to change important election outcomes including Electoral College votes and Senate races. For those who wish to further restrict participation by non-citizens, however, our results also provide important cautions. Simple resort to voter photo-identification rules is unlikely to be particularly effective.

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Appendix 1: Validating Citizen Status Self Reports

One potential concern about the results presented in this paper is that they might reflect survey response errors. Specifically, if some citizens intentionally or inadvertently indicated that they were non-citizens, this could produce the pattern we find – a small number of apparent non-citizens engaging in the political process. While we find it implausible that citizens would intentionally claim to be non-citizen immigrants, it is possible that some citizens could have inadvertently selected this response. This appendix evaluates that possibility.

Given confidentiality and legal issues, it is not ethically possible to directly verify whether individuals who voted were/are non-citizens. Instead, we examine the construct or concurrent validity by showing that self-reported non-citizens had demographic and attitudinal characteristics one would expect them to have if they were in fact non-citizen immigrants, and that the non-citizens who voted had similar attitudes and characteristics to the non-citizens who didn't vote on questions where one might expect those who were in fact non-citizen immigrants to be distinct from the broader population.

A.1. Demographic Characteristics

Given immigration patterns in recent decades, non-citizens should be more likely to be non-white than the general population surveyed. Table A.1. summarizes the racial characteristics of individuals with various immigration statuses among 2008 survey respondents. Non-citizen immigrants had the lowest percentage of whites, and the highest percentages of Hispanics and Asians. None identified as Native Americans. All analyses in the appendix use unweighted data because the goal is to evaluate the characteristics of the sample.

Table A.1. Race and Citizenship Status

	Citizenship status					Total
	Immigrant Citizen	Immigrant non-citizen	First generation	Second generation	Third generation	
White	647 47.0%	150 44.2%	1622 62.3%	6442 89.1%	18002 85.3%	26863 82.3%
Black	134 9.7%	31 9.1%	91 3.5%	68 0.9%	1668 7.9%	1992 6.1%
Hispanic	353 25.6%	91 26.8%	581 22.3%	405 5.6%	550 2.6%	1980 6.1%
Asian	167 12.1%	55 16.2%	156 6.0%	36 0.5%	30 0.1%	444 1.4%
Native American	5 0.4%	0 0.0%	8 0.3%	38 0.5%	260 1.2%	311 1.0%
Mixed	20 1.5%	5 1.5%	68 2.6%	94 1.3%	270 1.3%	457 1.4%
Other	40 2.9%	5 1.5%	66 2.5%	147 2.0%	320 1.5%	578 1.8%
Middle Eastern	11 0.8%	2 0.6%	13 0.5%	2 0.0%	3 0.0%	31 0.1%
Total	1377 100.0%	339 100.0%	2605 100.0%	7232 100.0%	21103 100.0%	32656 100.0%

If the self-declared non-citizens who voted were actually non-citizens, their racial distribution should be similar to that of non-citizens who did not vote.⁷ In Table A.2, we divide non-citizens into two groups: those who voted (said they voted, had a verified vote, or both) and those who did not, and compare their racial characteristics. Non-citizen immigrants who voted are not statistically distinguishable from non-citizen immigrants who did not vote, and several of the non-significant differences in demographic characteristics skew in the direction of demographics less like those of citizens. For instance, there are fewer Whites among the voters than the nonvoters, and more Hispanics and Blacks. Results from 2010 are omitted in the interest of saving space,

⁷ One important caveat is in order. To the extent that non-citizen voting is dependent upon an ability to ‘pass for’ a citizen at the polling place, respondents who looked less like immigrants to election officials might have an easier time voting.

but they reveal the same patterns, with non-citizens who voted reporting slightly (but not significantly) more racial diversity, and fewer whites than even non-citizens who did not vote.

Table A.2. Racial Characteristics of Non-Citizen Voters and Non-Voters, 2008

	Did Not Vote	Voted	Total
White	129 44.3%	21 43.8%	150 44.2%
Black	24 8.2%	7 14.6%	31 9.1%
Hispanic	77 26.5%	14 29.2%	91 26.8%
Race Asian	50 17.2%	5 10.4%	55 16.2%
Mixed	5 1.7%	0 0.0%	5 1.5%
Other	4 1.4%	1 2.1%	5 1.5%
Middle Eastern	2 0.7%	0 0.0%	2 0.6%
Total	291 100.0%	48 100.0%	339 100.0%

A.2. Immigration Attitudes

The 2010 CCES included a battery of questions on immigration attitudes. These questions provide a good opportunity to use attitudinal variables to check the validity of the citizenship measure. Non-citizen immigrants might be expected to have distinctive positions on immigration issues, given the potential for immigration policy choices to directly affect themselves or their families. The specific immigration questions asked respondents to select as many options as they wished from among a list of items:

What do you think the U.S. government should do about immigration. Select all that apply.

- Fine Businesses

- Grant legal status to all illegal immigrants who have held jobs and paid taxes for at least 3 years and have not been convicted of felony crimes.
- Increase the number of guest workers allowed to come legally to the US.
- Increase the number of border patrols on the U.S.-Mexican border.
- Allow police to question anyone they think may be in the country illegally.
- None of these.

For all of these items, the choices selected by non-citizen immigrants were statistically different from those made by other respondents. The number of respondents and the percent supporting each policy is summarized in Table A.3. below.

Table A.3. Immigration Attitudes of Citizens and Non-Citizens (2010 CCES)

	Citizens	Non Citizens	Total Responses
Fine businesses	1786 73.7%	6 35.3 %	2438**
Grant legal status	21162 38.7%	310 63.4%	55234**
Increase border patrol	34057 62.2%	201 41.1%	55234**
Increase guest workers	659 27.2%	8 47.1%	2438*
Allow police to question	26531 48.5%	96 19.6%	55234**

Chi-Square test: ** difference significant at $p < .001$ level. * Difference significant at $p < .10$ level.

Across all five issues, the difference between citizen and non-citizen responses is statistically significant and substantively large. Those who identified themselves as non-citizens have views that are distinctly different from those who identified themselves as citizens.

To further investigate whether those self-declared non-citizens who voted might have mis-stated their citizenship status, Table A.4. compares the immigration attitudes of non-citizens

who said they voted with the immigration attitudes of non-citizens who said they did not vote. Only three questions are included because none of the non-citizens in the subsamples asked the other two questions identified themselves as voters.

Table A.4. Immigration Attitudes of Non-Citizens by Voting Status (2010 CCES)

	Didn't Vote	Voted	Total Responses
Grant legal status	285 62.6%	25 73.5%	489
Increase border patrol	186 40.9%	15 44.1%	489
Allow police to question	87 19.1%	9 26.5%	489

Note: All voting status is based on self-reported vote as no votes were verified for 2010 CCES.
* Chi-square difference significant at $p < .10$ level.

As expected, there are no significant differences in attitudes toward immigration among respondents who identified as non-citizens, irrespective of whether or not they voted. This is what we would expect if respondents' self-identification is valid. On one of three questions (grant legal status) non-citizens who voted were slightly (not significantly) more likely to take the pro-immigrant position.

A.3. State Non-Citizen Population

If respondents who indicate they are non-citizens are in fact non-citizens, then they should be more likely to reside in states with larger non-citizen populations. To test this idea, we computed the percentage of adult non-citizens per state using Census Bureau (2013) data (2007 – 2011 American Community Survey 5 year estimates). We then used this percentage to predict whether respondents would indicate they were non-citizens across states on the 2008 CCES. The percentage of non-citizens was a very statistically significant predictor of self-identified non-citizen status in a binary logit analysis ($B = 11.34$, $S.E. = 1.05$, $p < .0005$), and remained statistically significant with a very similar effect size when analysis was restricted to only

individuals who had self-identified or verified votes ($B = 11.25$, $S.E. = 2.77$, $p < 0.0005$).

Similar results were obtained for 2010, with the analysis of all respondents producing the following coefficient and significance levels ($B = 8.86$, $S.E. = 0.88$, $p < .0005$) and the analysis of voters producing the following results ($B = 6.4$, $S.E. = 3.3$, $p < .053$). In 2010 it is once more not possible to reject the null hypothesis that the coefficients are the same.

A.4. Conclusion

The results presented in this appendix support the conclusion that those who identified themselves as non-citizens had the demographic characteristics one would expect non-citizens to have, and non-citizens who voted were not appreciably different from non-citizens who did not vote in terms of their political attitudes towards immigration, their geographic distribution, and their racial demographics. Therefore, it is unlikely that a substantial number of citizen respondents (inadvertently) indicated that they were non-citizens.