
Voting Rights for Immigrants

by Catherine Tactaquin

Throughout this past year, the notion of immigrant civic participation has emerged time and again as a significant trend in community enfranchisement. In cities around the country, especially where there are significant concentrations of immigrants, community organizations and immigrant rights coalitions have mustered energy and resources to conduct voter registration drives and to mobilize immigrant voters. The evident growth of the immigrant population has been the key factor fueling these and other initiatives, including proposals for “non-citizen” voting in local elections, such as school boards.

A report released in mid-October by the Immigration Policy Center, a division of the American Immigration Law Foundation, called attention to the potentially significant role an energized immigrant electorate could play in local, state and national elections. In “Power and Potential: The Growing Electoral Clout of New Citizens,” author Rob Paral wrote: “In highly competitive electoral environments, the rapidly growing ranks of ‘new citizens’ — foreign-born individuals who become ‘naturalized’ U.S. citizens — are increasingly important political players.”

That report describes the dramatic growth of immigrant populations over the last decade: Some 13 million people immigrated into the U.S. during the 1990s. In the 2000 elections, 6.2 million new citizens had registered to vote, and over 85% of them voted — a proportion far higher than turnout among all voters.

The National Association of Latino Elected and Appointed Officials Education Fund, which has predicted Latino voter turnout quite closely in the last two Presidential elections, has projected that “one million more Latinos will vote in November 2004 than in our last Presidential election, a new record for the Latino community.” NALEO and other Latino

groups state that naturalized Latino voters — the new immigrant voters — may be key, given the increased numbers of newly registered voters and the pattern of these voters actually going to the polls on Election Day. NALEO projects that nearly seven million Latinos nationwide will vote in November.

Asian Pacific Islander communities are also expected to significantly gain new voters and presence at the polls. With over 12 million people, API communities are poised to become a formidable electoral force. API immigrants have a fairly high rate of natu-

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ralization — over 40% — a source of potential new voters. Between 1996 and 2000, the number of Asian voters increased by 22%.

Despite these trends, certain factors continue to diminish the potential participation of immigrant voters. Jeffrey Passel of the Urban Institute’s Immigration Studies Program notes: “About 62 percent of Latinos could not register to vote in 2000 because they were either too young or not U.S. citizens; 59 percent of Asians could not register. In contrast, only 35 percent of blacks and 25 percent of whites could not register to vote for demographic reasons.”

Presence in Swing States

While the overall foreign-born population is just over 11% of the entire U.S. population, the concentration of immigrants in several states has produced considerable political interest for tapping into a rapidly increasing pool of votes. In the 2004 Presi-

dential race, immigrant voters in the traditionally large foreign-born states of California, Florida, Illinois, New Jersey, New York and Texas are largely expected to contribute votes to the Democratic Party. In the swing states, however, the impact of immigrant votes is less certain, although the so-called battleground states may reappear in future elections — and they are all states where new immigrant voters can impact an election outcome. According to Rob Paral: “In all, six battleground states may be identified where new-citizen voters can make a difference in a two-candidate race even if the difference in percentage points separating the candidates is as high as five points. These states are Arizona, Florida, Nevada, New Mexico, Pennsylvania and Washington.”

Although the overall foreign-born vote is only about 5% of the entire electorate nationwide, it is in particular areas of the country where the vote will have increasing impact. However, in the 2004 Presidential election, immigrant community organizers were often frustrated by the fleeting recognition given to potential immigrant voters. As political strategists typically zeroed in on likely and undecided voters in swing states, resources for voter registration, education and mobilization did not, as a whole, flow to immigrant communities.

Increasing the Voice of Immigrants

Facing this reality, groups committed to both short-term and long-term goals of increasing immigrant community voices at the polls nonetheless rallied to build initiatives that would support immigrant civic in the elections and beyond. These initiatives have given attention to the significant challenges and barriers to engaging immigrants from numerous ethnic and lan-

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guage backgrounds and homeland experiences. Many initiatives build on ongoing organizing and advocacy, particularly on always controversial immigration policy issues.

Many groups recall the upsurge in naturalization applications and immigrant voter registrations prior to and after California's infamous anti-immigrant ballot initiative, Proposition 187 in 1994. At that time, many immigrants raised their concerns about important decisions being made about their lives, but without their voice. That concern has been repeated in Arizona, where the anti-immigrant Proposition 200 is on the November ballot [results unknown at the time of this writing], and would require proof of legal status from anyone applying for a public service or registering to vote. Organizers against the initiative have included new citizen voter registration as a key component of their strategy. The state's population is about 13% foreign-born, and during the 1990s, the Latino population grew by 88%.

Last year's Immigrant Worker Freedom Ride produced a campaign called "Freedom Summer," building on the historic work of the Civil Rights Movement in the South, to conduct voter registration work in the key states of Arizona and Florida. For two months, 50 predominantly young activists worked with local organizations to register new voters, particularly among new citizens. Civic participation campaigns have been organized in several states by regional and state immigrant rights coalitions, as well as by such groups as the National Korean American Service and Education Consortium (NAKASEC), National Council of La Raza, Center for Community Change, Gamaliel Foundation [see article on Gamaliel in the Sept./Oct. 2004 *P&R*], ACORN and many more.

The Northern California Citizenship Project (NCCP) is leading a new California collaborative — Mobilize the Immigrant Vote (MIV) 2004 — to reach diverse immigrant communities. Although California was not identified as a swing state, its large and diverse

foreign-born population — over 26% of the total population and almost 15% of the state's voters — is ripe for voter engagement. Generations of U.S.-born members of immigrant families — a major demographic factor in California — are also targets for registration and get-out-the-vote activities. As with initiatives in other states, MIV identified the need to reach particular language groups, working with community-based organizations and oth-

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ers to produce multi-lingual "palm cards" on voting rights and information, and easily accessible voting guides with information and recommendations on ballot initiatives of particular concern and relevance to immigrant communities. MIV and others are also providing new voters with "how to" information, understanding that a lack of familiarity with the actual voting process — including where to find the correct polling location — can hinder participation.

According to Maria Rogers Pascual, NCCP Executive Director: "We will not only be increasing voter turnout from immigrant communities, but we will be helping to strengthen immigrant community leadership for ongoing organizing on critical issues." This has been a consistent theme of initiatives such as that of "One Voice, One Vote" in Massachusetts and "New Americans Vote '04" in Illinois, where the state immigrant rights coalition has pledged to register at least 25,000 new voters and is giving focus to the large Muslim community whose civil liberties were particularly threatened by the 9/11 backlash.

The outcome of many of these efforts — in terms of voter turnout and impact — will be described post-election in numerous reports being planned to spotlight the significance of immigrant civic participation and voting pat-

terns. One such report will be issued by the DC-based New American Opportunity Campaign (NAOC), a new umbrella group focusing on immigration reform. Partners within NAOC believe that the voting power of immigrant communities will strengthen their presence on critical immigration policy issues and will encourage greater civic engagement.

Some groups have already called attention to some of the real problems facing potential immigrant voters. The New York Immigration Coalition (NYIC), which has successfully spearheaded immigrant voter registration activities, has decried the loss of voting opportunities for immigrants whose citizenship applications have been bogged down in lengthy background checks in the Department of Homeland Security (DHS). According to NYIC, almost half of the more than 126,000 immigrants in New York with pending citizenship applications will find they are not be able to vote in November due to the processing backlogs. In moving immigration servicing into the DHS when it was established in the wake of 9/11, President Bush had set a six-month standard for citizenship application processing, but in New York and elsewhere, the wait is much longer. In Miami, there is a 21-month backlog; in Arizona, 13 months.

Renewed Interest in Non-Citizen Voting

Problems such as these in moving towards citizenship, as well as a current impasse on setting up a new legalization program for undocumented immigrants, have stirred renewed interest in "non-citizen" voting — generally, the opening of voting rights in local elections, such as for school boards, to all residents of a given locale, regardless of citizenship or immigration status.

Particularly during the last decade or so, non-citizen voting initiatives have emerged throughout the country, and there are a few places where non-citizens can vote — such as in Takoma

Park, Maryland, and even in the school board elections (at least until recently) in New York City.

San Francisco voters are having an opportunity to weigh in on the issue on November 2 [again, results unknown at the time of this writing]. Proposition F would allow non-citizens to vote in school board elections. Proponents say it is only fair; at least one-third of the children in the school district have at least one immigrant parent. The school board voted unanimously to support the proposition. Detractors claim the proposition is just a backdoor tactic — a “Trojan Horse” — to give citizenship rights to undocumented immigrants, under the guise of supporting education.

The issue of non-citizen voting will no doubt be a long and protracted debate with uneven results. Political scientists Ronald Hayduk at the Borough of Manhattan Community College argues that non-citizens should have voting rights and says: it’s legal (not precluded by the Constitution); it’s rational — with good reasons for enfranchisement, such as notions of equal rights and treatment articulated in the suffragette and Civil Rights Movement; and it’s feasible.

Hayduk and other proponents have pointed out that until the 1920s, in fact, non-citizens could vote in local, state and even national elections in 22 states! Then, the anti-immigrant movements and xenophobia following World War I ended the practice. Opposition to non-citizen voting went hand-in-hand with racist movements against the influx of darker-skinned immigrants, fanning fears about the progressive political influences these new immigrants might inspire.

Current calls for non-citizen voting certainly seem much more benign: Giving all parents the right to vote in school board elections gives them an opportunity to decide key issues in their children’s education, and, it is argued, will encourage greater participation in their community — isn’t that a classic “American” ideal?

Hayduk, as well as Wendy Shimmelman, offer three critical arguments for non-citizen voting — ar-

guments that could just as well apply to the encouragement of today’s new citizen voters. These arguments include: 1) Democracy will thrive when it enfranchises all of its members — when they have representation (remember “no taxation without representation” — non-citizens, including the undocumented, do pay taxes); 2) Discrimination and bias: Lacking voting rights, non-citizens are at risk of discrimination and bias by the majority, and their interests can be more easily ignored; and 3) Common interests: Other members of society, particularly from the working class and communities of color, face many of the same issues immigrants face, and would benefit from non-citizen participation and integration. Their concerns and political power would be

strengthened — certainly an argument against the wedge politics of the Right that have sought to align working people and other communities of color *against* immigrants over jobs, housing and so forth.

Whether non-citizen voting becomes a “right” for immigrants at any noticeable level, or whether new citizens are rallied to register and vote, the scope and scale of immigration currently and in the foreseeable future demands that these issues of enfranchisement be addressed — and soon — in yet another test for American democracy.

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Resources on Immigrants and Voting

“California’s Minority and Immigrant Voters,” June 2004 brief from the Public Policy Institute of California, at www.ppic.org

“Election 2004: The Latino and Asian Vote,” by Jeffrey S. Passel of the Urban Institute Immigration Studies Program, 2004. Available at www.urban.org/urlprint.cfm?ID=8938

Grantmakers Concerned with Immigrants and Refugees. Website at www.gcir.org provides facts and figures on immigration at state, national and international levels.

Immigrant Voting Project at <http://www.immigrantvoting.org/index.html>. A resource network promoting discussion of non-citizen voting in local elections. Based at New School University’s World Policy Institute.

“Legal Aliens, Local Citizens: The Historical, Constitutional and Theoretical Meanings of Alien Suffrage,” by Jamin Raskin, *Univ. of Pennsylvania Law Review*, 1993.

“Local Voting Rights for Non-U.S. Citizen Immigrants in New York City,” by Wendy Shimmelman, July 1992. An unpublished report for the Center for Immigrant Rights in New York. Available from the National Network for Immigrant and Refugee Rights: orders@nnirr.org.

Mobilize the Immigrant Vote 2004. California campaign website provides immigrant voting rights materials in six languages, lists resources and website links for civic participation information. www.immigrantvoice.org/miv2004/index.htm

“Non-Citizen Voting: Pipe Dream or Possibility,” by Ronald Hayduk, October 2002, appears in Drum Major Institute for Public Policy e-journal at <http://www.drummajorinstitute.org/plugin/template/dmi/55/1694>

“Political Apartheid in California: Consequences of Excluding a Growing Noncitizen Population,” by Joaquin Avila, in *Latino Policy & Issues Brief*, No. 9, December 2003 for UCLA Chicano Studies Center. Can be found at <http://www.chicano.ucla.edu/press/briefs/archive.html>

“Power and Potential: The Growing Electoral Clout of New Citizens,” by Rob Paral, in *Immigration Policy INFOCUS*, Vol. 3, Issue 4, October 2004, from the Immigration Policy Center, a division of the American Immigration Law Foundation. Available at www.aailf.org

“Voting Rights,” from the Asian Pacific American Legal Defense and Education Fund at www.aaldef.org/voting.html