SAFE SPACES

HOW SANCTUARY CITIES ARE GIVING COVER TO NONCITIZENS ON THE VOTER ROLLS

#RESIST

NO BORDERS

ABOLISH ICE

NO WALL

PUBLIC INTEREST
LEGAL FOUNDATION

August 2018

"Sanctuary" policies[1] in cities and counties have proven hot political issues to rally around for all ideological stripes. Data showing how active noncitizens are within those local electorates and what is being done to prevent such behavior has been lacking. Until now. Opponents of sanctuary policies may share fears of illegal aliens casting ballots while proponents of "welcoming communities" often push openly for suffrage among legal and illegal immigrants. One thing is clear, aliens are getting on the rolls, aliens are voting, and in sanctuary jurisdictions they aren't being prosecuted for doing so.

Unprecedented research by the Public Interest Legal Foundation found that across 13 sanctuary cities and counties,[2] **3,120 noncitizens were registered to vote and/or removed at various points from 2006 to 2018.** Though the data disclosed by the jurisdictions widely vary, the Foundation identified significant trends indicating that noncitizens are often prompted by public assistance agency transactions (a/k/a Motor Voter), registration/petition drives, and registration assistors. In a majority of cases across these 13 locales, detection and removal of noncitizen voters were generally dependent on the noncitizens self-reporting their ineligible status at the risk of immigration jeopardy and even deportation.
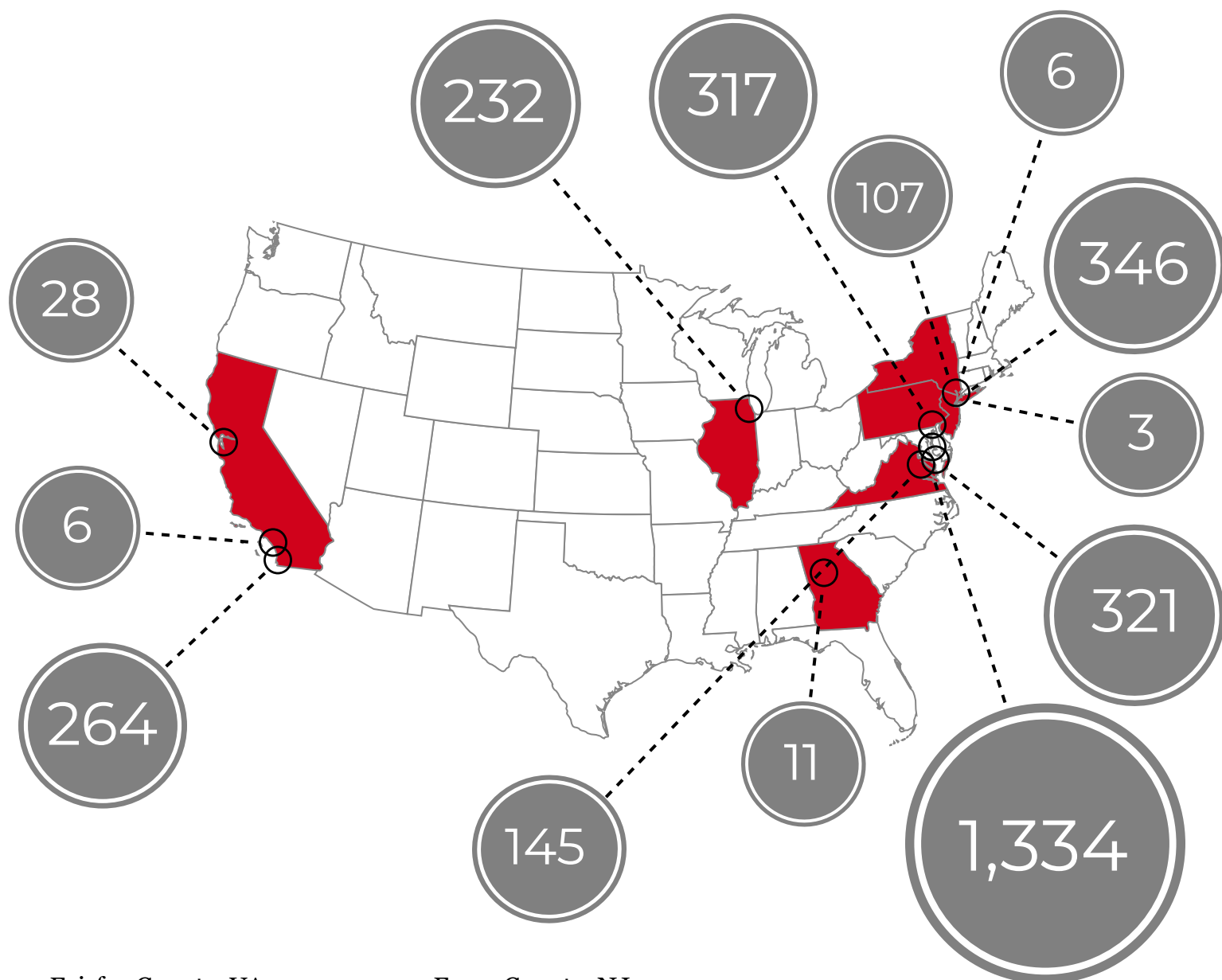
Few sanctuary jurisdictions use systems established to actively detect unlawful registrations already in existence. **None verify claims of citizenship during voter registration.**

This report is a result of one year of work by the Foundation to obtain documents from sanctuary jurisdictions. Each location disclosed different types, quality, and breadth of data, even among counties in the same state. In order to provide the best snapshot of each jurisdiction, this report examines each sanctuary individually.

Some notable sanctuary jurisdictions not listed in this report include Los Angeles and Alameda Counties, California. As of the release of this report, **both sanctuaries ignored multiple requests for data originating from both the Foundation and local registered voters in violation of federal law.** The Foundation will keep fighting for this information, including through potential litigation to force compliance with federal disclosure laws.

NONCITIZENS REMOVED FROM THE ROLLS

232
317
6
107
346
28
3
346
6
321
264
11
145
1,334

Fairfax County, VA: 1,334
Middlesex County, NJ: 346
Chesterfield County, VA: 321
Philadelphia, PA: 317
San Diego County, CA: 264
Chicago, IL: 232
Arlington, VA: 145

Essex County, NJ: 107
San Francisco County, CA: 28
DeKalb County, GA: 11
New York City, NY: 6
Riverside County, CA: 6
Ocean County, NJ: 3

TOTAL: 3,120

NONCITIZEN VOTER MAGNETS

The data reviewed by the Foundation reveals that a jurisdiction has a greater likelihood of witnessing noncitizen voter registration and subsequent self-reporting if the following factors are present: 1) the jurisdiction has an elevated legal immigrant population compared to others; 2) the immigrant population largely consists of legal permanent residents (otherwise known as green card holders) intent on naturalizing (as opposed to work and student visa-dominated areas); 3) local public assistance agencies (like DMVs, economic benefit programs, etc.) broadly offer voter registration to all customers regardless of citizenship status demonstrated; and, 4) significant portions of the immigrant population come from areas other than Spanish-speaking countries. A jurisdiction need not meet all of the factors, however, to see elevated noncitizen voter registration activity.

The information regarding noncitizen voter registration is generated either by the factors presented, or in a rare case, when an election official employs an active system to detect ineligible registrants before they self-report. The Foundation found that among the locales studied, disclosed data suggests that legal immigrant noncitizens overwhelmingly exceed potentially illegal immigrants registered to vote before they are eligible.

HOW TO FIND NONCITIZEN VOTERS

If a curious person were to contact her local voter registration office and request data on "noncitizen voter fraud" or similar search terms, she would likely come up empty-handed. It's not that simple. That line of inquiry assumes that diligent bureaucrats are sharing evidence of unlawful registrations and associated voting histories with local law enforcement and that prosecution and/or convictions follow—thereby creating a paper record of each case. Only in rare instances has the Foundation seen this happen.

Instead, we found that instances of alien registration and voting are almost never referred to law enforcement for subsequent criminal investigation.

If the same curious person was to ask for records where registered voters contacted officials to request removal from the voter roll due to noncitizenship, there are voluminous responsive documents. In sanctuary jurisdictions, the primary driver for noncitizen voter registration detection is triggered by the noncitizen's own admission of ineligible voter registration history—often years after the fact and when ballots have already been permanently cast. Aliens self-reporting their own improper status as a registered voter has a high degree of reliability. It is also a shockingly inadequate safeguard to the integrity of our voter rolls.

That any aliens admit they are improperly registered is itself surprising. Here's how it works. When a legally-present noncitizen applies for naturalization, the federal immigration form asks a series of questions related to voter registration status and voting. The federal immigration form asks if the applicant "registered to vote in any federal, state, or local election"— "Yes/No." The form also asks if they ever "voted" in an election. Any answer in the affirmative requires a separate attached explanation.[3] The explanation will eventually trigger a "continuance" letter from U.S. Customs and Immigration Services (USCIS), demanding that within 30 days, the applicant must contact the jurisdiction where the voter record remains and prove in writing that the account was closed with all related information copied and sent back to the USCIS for further review.

Records reviewed by the Foundation also revealed instances where immigration authorities sought letters from local prosecutors, stating the applicant faced no threat of indictment due to their ineligible voting history. This means that federal immigration authorities, as a matter of policy, solicited assurances from state prosecutorial authorities that aliens who had been registered and voting would not be prosecuted.

1.	Have you **EVER** claimed to be a U.S. citizen (in writing or any other way)?	☐ Yes	☐ No
2.	Have you **EVER** registered to vote in any Federal, state, or local election in the United States?	☐ Yes	☐ No
3.	Have you **EVER** voted in any Federal, state, or local election in the United States?	☐ Yes	☐ No

Excerpt from Form N-400, Application for Naturalization

HOW TO FIND NONCITIZEN VOTERS

After reviewing thousands of noncitizen voter registration files, the Foundation unfortunately found that only applicants for naturalization took steps to correct their illegal voter registration status by contacting local election officials. The records we reviewed do not contain examples of aliens illegally registered to vote cancelling their voter registration status if they were not also in the process of seeking citizenship. The Foundation never witnessed other types of visa holders admitting to their ineligible registrations during other immigration transactions. This leads to the reasonable inference that many other aliens who have not sought to become citizens remain on voter rolls undetected.
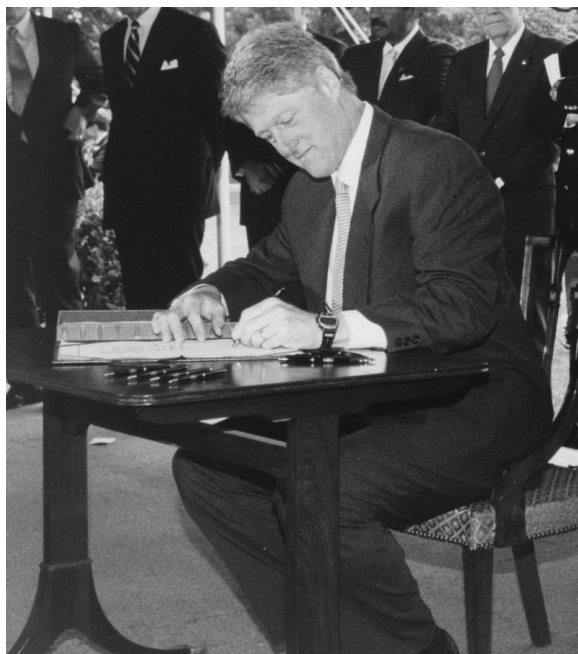
Only when a legal immigrant seeks naturalized citizenship will their voting records surface. If a work visa holder (such as an H-1B holder) wishes to extend his stay by becoming a legal permanent resident,[4] or a current green card holder wishes to renew their status,[5] immigration officials do not ask any questions regarding voter registration status or participation by the alien in American elections, unlike when the alien seeks to become a citizen. In the event that a beneficiary of the Deferred Action for Childhood Arrivals (DACA) required a renewal, the necessary paperwork does not ask about premature voting activities either.[6] **This means federal immigration officials could be doing more to root out alien participation in our elections**, especially in sanctuary jurisdictions, by simply asking the questions that are asked in the naturalization process in all circumstances related to immigration applications. Simply, have you registered to vote; have you voted?

WHAT IS "MOTOR VOTER"?

The primary reason that noncitizens are getting onto American voter rolls and voting can be traced to 1993. Within months of assuming the Presidency, Bill Clinton signed into law the National Voter Registration Act (NVRA), a sweeping piece of legislation that proponents claimed would increase the number of registered voters and participation in our elections. One thing is for sure— defects in the legislation also increased the number of ineligible voters on voter rolls.

The NVRA, commonly known as "Motor Voter," requires each state to offer voter registration applications to any individual that applies for a driver's license. This provision of the law requires the applicant to swear to his or her citizenship under penalty of perjury, but does not explicitly authorize (nor explicitly deny) the state's ability to verify citizenship through formal documentation.

Attempts by various states to require registrants to provide documentary proof of citizenship during registration for federal elections have, thus far, been thwarted by lawsuits brought by left-leaning groups. Consequently, all states presently require applicants to merely check a box in order to "prove" their citizenship status for federal elections. In other words, it is nothing more than the honor system. If a noncitizen checks "Yes" to the citizenship question in any setting, they are simply enrolled without any further verification, even if they presented a Green Card or foreign passport to identify themselves at the time of registration.

The honor system has proven to be inadequate. This honor system not only risks corrupting the voter rolls, it exposes noncitizens to potential legal difficulties later in life.

Removed From the Voter Rolls As Noncitizens

San Diego County		**264**
San Francisco County		**28**
Riverside County		**6**

Sanctuary: San Diego County

San Diego County—one of two California jurisdictions that sit on the border with Mexico—made news in April 2018 when its Board of Supervisors voted to back the Trump Administration's challenge to California's sanctuary state law.[7] Ironically, San Diego County's own sanctuary policies date back to May 2014 and the County remains classified as a sanctuary jurisdiction.

Unlike most California elections offices, San Diego County did not obstruct our research efforts, producing nearly 1,000 pages of voter registration records belonging to noncitizens who had registered to vote in the County over the last several decades.

The records uncovered by the Foundation reveal that **264 individuals reported or confirmed their ineligible status to government officials after registering to vote in just San Diego County.** For those individuals for whom voting history was provided (90), the records showed that 41 percent cast at least one ballot prior to their removal from the rolls. In total, these individuals cast 94 ballots, with some of their votes stretching back as far as the 1992 presidential election. Remember, these are only the alien registrants who self-reported behavior that could constitute violations of criminal election law.

Because San Diego County has no formal process to verify citizenship prior to registration, it must rely on aliens to self-report their ineligible status, which usually occurs in one of three ways. Most formerly-registered alien voters (123) revealed their status as aliens when responding, under oath, to a summons to serve on a federal court jury. The second group came forward during the citizenship naturalization process. The third group merely requested cancellation of their registration.

The documents reviewed by the Foundation show that once registered, noncitizens remain on the voter rolls for years prior to detection. In San Diego County, the average noncitizen sat undetected on the rolls for an average of **5.9 years**, during which time he or she remained free to cast a ballot without any additional check on eligibility. **A total of 51 registrants remained on the rolls for 10 years or more before outing themselves as ineligible aliens.**

As with the other jurisdictions covered by this report, the full extent of noncitizen registration and voting throughout San Diego County remains unknown. However, the records thus far reviewed demonstrate a problematic trend that is sure to continue because nothing has been put in place to stop it.

San Diego County: Summary of Findings

264 — Noncitizen registrations cancelled in San Diego County Since 2010

Method of Registration

Motor Voter[8]: 108

Third-Party: 80

Self: 52

Unknown: 24

Method of Detection

Jury Summons: 123

Naturalization Process: 90

Self-Report: 51

Party Registration

Undeclared/None: 119

Democrat: 92

Republican: 35

American Independent: 6

Green: 2

Independent: 2

Peace and Freedom: 3

Other: 3

Libertarian: 1

Reform: 1

5.9 — Average number of years a noncitizen was registered to vote before removal

41 — Percent of noncitizens who cast at least one ballot prior to removal from the voter rolls[9]

San Diego County's Passive Detection System

Jury Data Transfers. The County utilizes a procedure where claims of noncitizenship when responding to a jury duty mailing are collected and sent to voter registration officials due to the fact that jury wheels are primarily populated by registrants. The Foundation recognizes this method as a **best practice** worthy of utilization across the country.[10]

Federal Inquiry. Voter registrars were sometimes tipped off by the United States Citizenship and Immigration (USCIS) Services. Rather than a voter coming forward, researchers from the Department of Homeland Security and USCIS contacted county officials seeking information on a potential alien registrant, which can eventually set a path toward deleting them from the statewide database.

Self Requests. San Diego County makes available a form (pictured below) for registered voters who wish to cancel their registration. Noncitizens who utilize this form to request cancellation swear under "penalty of perjury" that the information they are providing is "true and correct."

USE THIS FORM ONLY FOR CANCELING REGISTRATION IN SAN DIEGO COUNTY

VOTER'S INFORMATION

LAST NAME: _____ FIRST NAME: _____ M.I._____ Voter ID #_____
(PRINT CLEARLY)   (PRINT CLEARLY)

San Diego County Residence Address: _____

Current Address_____

Date of Birth: _____ Place of Birth: _____

In case clarification is needed, please provide your phone number: _____

Please cancel this registration for the following reason: _____

_____

Signature: _____ Date: _____

Relationship to Voter: _____

I _____ certify under penalty of perjury that the information provided is true and correct.
(FULL NAME)
I hereby authorize the San Diego County Registrar of Voters to cancel the above voter registration record.

Voter registration cancellation form (San Diego County)

San Diego County
Sample Case Studies[11]

1

Name: **R. Picos**
Registration Year: **1998**
Cancellation Year: **2013**
Method: **Third-Party**
Voted: **Yes (10 ballots)**

Picos admitted his status as an ineligible registrant and voter during the naturalization process. Records provided to USCIS by San Diego County election officials indicate that Picos first registered to vote in San Diego County in June 1998. **His registration form—which was completed with the assistance of a third-party—shows that Picos left the citizenship question blank.** No records received by the Foundation indicate that election officials attempted to confirm Picos's citizenship status prior to the approval of his registration.

Five months after registering to vote, Picos cast a ballot in California's gubernatorial election. **Prior to his detection and removal in 2013, Picos voted in 9 additional elections.** Election officials cancelled Picos's registration after being notified by immigration officials that he was not a U.S. citizen. It does not appear that any state or federal prosecutions were initiated against Picos for multiple instances of voting in elections as a foreign national.

November 3, 1998	Gubernatorial General
March 2, 1999	Cons Special Library Prop/Valley Center School
November 7, 2000	Presidential General
November 5, 2002	Gubernatorial General
October 7, 2003	Statewide Special
November 2, 2004	Presidential General
January 4, 2005	City Of San Diego Special Run-Off Election
June 26, 2005	City Of San Diego-Special Municipal Election
June 6, 2006	Gubernatorial Primary
February 5, 2008	Presidential Primary

Picos's voting history

San Diego County
Sample Case Studies

2

Name: **I. Cortez**
Registration Year: **1984**
Cancellation Year: **2011**
Method: **Self**
Voted: **Yes (9 ballots)**

Records provided by San Diego County reveal that Cortez, a Mexican national, sought to become a U.S. citizen through naturalization sometime in 2014. Correspondence from U.S. Citizenship and Immigration Services (USCIS) indicates that during Cortez's naturalization interview she admitted that she "had registered to vote and had voted in the Presidential elections." USCIS asked Cortez provide copies of her registration application along with her voting record as a precondition to the processing of her naturalization application.

San Diego County election officials submitted the requested information to immigration officials on Cortez's behalf. This correspondence reveals that Cortez first registered to vote in San Diego County in 1984. When she re-registered 10 years later via mail, she checked "YES" to the question "Are you a citizen of the United States of America?" on her registration form. County records indicate that Cortez's registration was cancelled in 2011 after she confessed on a federal jury court summons to not being a U.S. citizen. **During her 27 years on the voter rolls as a noncitizen, Cortez voted in 9 different elections, including 4 presidential general elections.** The Foundation was not provided with further information regarding Cortez's present immigration status. It does not appear that any state or federal prosecutions were initiated against Cortez for multiple instances of voting in elections as a foreign national.

Cortez's record was canceled on 12/09/2011 from a U.S. District Court jury summons acknowledging non-U.S. citizenship. The record shows that Mrs. Cortez voted in the following elections in San Diego County:

Date	Election
November 3, 1992	Presidential General
November 5, 1996	Presidential General
November 3, 1998	Gubernatorial General
March 7, 2000	Presidential Primary
November 7, 2000	Presidential General
November 5, 2002	Gubernatorial General
October 7, 2003	Statewide Special
November 2, 2004	Presidential General
November 7, 2006	Gubernatorial General

Cortez's voting history

San Diego County
Sample Case Studies

3

Name: **G. Gonzalez**
Registration Year: **1980**
Cancellation Year: **2016**
Method: **Self**
Voted: **Yes (5 ballots)**

Gonzalez's stay on the registration rolls spanned the administration of 6 presidents. Records provided by San Diego County election officials show that Gonzalez first registered to vote in October 1980, and was not removed until September 2016, when his registered status surfaced during his naturalization interview. During his 36 years as a registered voter, Gonzalez voted in 5 separate elections, including elections for president in 1992 and 2000.

November 7, 2000	Presidential General
March 7, 1995	MTN EM SCH/ESC SCH/JAM-DUL CPA
November 8th 1994	Gubernatorial General
November 2nd, 1993	Statewide Consolidated
November 3rd, 1992	Presidential General

Gonzalez's voting history

4

Name: **C. Clay**
Registration Year: **2010**
Cancellation Year: **2015**
Method: **Third-Party**
Voted: **Yes (3 ballots)**

Clay, a Peruvian native, registered to vote in San Diego County in 2010 with the assistance of a third party. Records received by the Foundation indicate that Clay's San Diego registration was cancelled in 2015 when election officials discovered she was also registered to vote in Los Angeles County. San Diego County officials did not learn that Clay lacked U.S. citizenship until 2016, when she applied for citizenship through naturalization. During her time as an ineligible registrant in San Diego County, Clay voted in 3 separate elections, including the presidential election in 2012. It does not appear that any state or federal prosecutions were initiated against Clay for multiple instances of voting in elections as a foreign national.

June 3, 2014	Gubernatorial Primary
November 6, 2012	Presidential General
November 2, 2010	Gubernatorial General

Clay's voting history

CALIFORNIA

San Diego County
Sample Case Studies

5

Name: **L. Enoch**
Registration Year: **1994**
Cancellation Year: **2017**
Method: **Motor Voter**
Voted: **Unknown**

One year after the NVRA began requiring motor vehicle offices to offer voter registration to all customers, Enoch submitted an application for voter registration in San Diego County. Nearly 23 years later, Enoch submitted a request to cancel her registration, admitting she was "not a U.S. citizen" and claiming she had "filled in [the] DMV form in error." Election officials did not provide Enoch's voting history to the Foundation.

In case clarification is needed, please provide your phone number:

Please cancel this registration for the following reason: I AM NOT A US CITIZEN I FILLED IN DMV FORM IN ERROR. PLEASE REMOVE ME

Signature: Date: 08-08-17.

Enoch's request to cancel her registration

6

Name: **M. McGee**
Registration Year: **2011**
Cancellation Year: **2016**
Method: **Motor Voter**
Voted: **Unknown**

McGee presents a case demonstrating how unsuspecting noncitizens and careless election officials can inadvertently team up to place ineligible registrants on the rolls. In 2016, McGee wrote to San Diego County election officials to request that her 2011 voter registration be cancelled, explaining "I am not a U.S. citizen. I accidentally filled out the form from DMV office when applying for driver's license renewal." A review of McGee's registration application shows that she did not answer the citizenship question when submitting the form. Yet there is no evidence that election officials ever followed up to confirm McGee's eligibility. Election officials did not provide McGee's voting history to the Foundation.

CALIFORNIA

San Diego County
Sample Case Studies

7

Name: **J. Zuniga-Lopez**
Registration Year: **1982**
Cancellation Year: **2014**
Method: **Self**
Voted: **No**

Zuniga-Lopez, a Tijuana native, registered to vote in 1982, during Ronald Reagan's first term as President. **Over three decades later**, Zuniga-Lopez admitted during his naturalization interview that he had registered to vote when he was 19 years old. Election officials cancelled his registration after Zuniga-Lopez admitted he was an ineligible alien.

Zuniga-Lopez's 1982 application for voter registration

CALIFORNIA

San Diego County
Sample Case Studies

8

Name: **D. Rodriguez**
Registration Year: **2003**
Cancellation Year: **2014**
Method: **Third Party**
Voted: **Unknown**

When Rodriguez registered to vote in 2003 he answered "NO" to the question "Are you a citizen of the United States of America?" on the Motor Votor form. Election officials registered him to vote anyway. Eleven years later, Rodriguez submitted a written request to cancel his registration, writing "non citizen" as his reason for making the request. It is not known whether Rodriguez cast any ballots during his time as an ineligible registrant because election officials did not provide his voting history to the Foundation.

Except from Rodrigez's application for voter registration

9

Name: **J. Cordova**
Registration Year: **Unknown**
Cancellation Year: **2017**
Method: **Self**
Voted: **Unknown**

While the duration of Cordova's stay on the rolls is unknown, his registration is nevertheless notable. In February 2017, Cordova wrote to San Diego County election officials to request cancellation of his registration, claiming that someone falsely informed him that he was eligible to vote: "At the time of registration I was told I was a citizen and I could vote. I registered but have not voted." Seven months after his registration was cancelled, Cordova submitted another registration form on which he answered "YES" to the citizenship question. No records were provided to the Foundation indicating whether election officials verified his citizenship status or otherwise indicating that Cordova became a U.S. citizen through naturalization prior to registering to vote for a second time.

San Diego County
Sample Case Studies

10

Name: **V. Satoafaiga**
Registration Year: **1999**
Cancellation Year: **2014**
Method: **Third Party**
Voted: **Yes (7 ballots)**

Satoafaiga registered to vote in San Diego County in 1999, at which time he indicated on his registration form that he was a citizen of the United States. Between 2000 and 2012, Satoafaiga submitted 4 additional voter registration forms to San Diego County officials. Each time, Satoafaiga told election officials he was a U.S. citizen or omitted an answer to the citizenship question. At no time was his citizenship questioned or verified. **Satoafaiga cast 7 votes, including votes in the presidential elections for 2004, 2008 and 2012.** Satoafaiga's registration was cancelled after 15 years on the rolls after he confessed to being an ineligible alien during his attempt to gain citizenship through naturalization. It does not appear that any state or federal prosecutions were initiated against Satoafaiga for multiple instances of voting in elections as a foreign national or falsely swearing to citizenship status on voter registration forms.

Date	Election
March 2, 2004	Presidential Primary
November 2, 2004	Presidential General
July 26, 2005	City of San Diego – Spec Muni Election
November 4, 2008	Presidential General
June 8, 2010	Gubernatorial Primary
June 5, 2012	Presidential Primary
November 6, 2012	Presidential General

Ms. Satoafaiga's registration was canceled today, March 6, 2014, on the basis of non-citizenship. A copy of all registration forms and voting history are attached.

Satoafaiga's voting history

Sanctuary: San Francisco County

San Francisco County may be the most notorious sanctuary jurisdiction. It became even more notorious in July 2018 when election officials began issuing registration forms to legal and illegal immigrants for school board elections that year.[12] The effort followed the approval of Proposition N with 54 percent in favor in 2016. With this change, non-felon, noncitizen residents who are parents or recognized legal guardians to children under age 19 can now vote in school elections. Potential noncitizen applicants were cautioned by officials, however, that their data would be visible to Immigration and Customs Enforcement (ICE) and other law enforcement, given that such information is considered a matter of public record.

The data provided by San Francisco to the Foundation stands in stark contrast with data provided by other California counties. Both San Diego and Riverside provided records of cancellations prompted by jury information. San Francisco told the Foundation that **it had no records of using jury information to identify ineligible registrants on the rolls.** Instead, the records show that San Francisco is relying only on self-reporting by aliens to detect ineligible noncitizens on the county's rolls. The County also shows evidence of repeat systems failure. In-depth review of just one noncitizen's record triggered claims by a former Russian national that her identity was stolen by petition circulators to fraudulently register her to vote. Years later, the California DMV system registered her again.

Summary of Findings

28 Noncitizen registrations cancelled in San Francisco County Since 2015

4.5 Average number of years a noncitizen was registered to vote before removal

17 Percent of noncitizens who cast at least one ballot prior to removal from the voter rolls

Method of Registration

Motor Voter: 20

Self/Third-Party: 6

Unknown: 2

Method of Detection

Self-Report: 28

Party Registration

Undeclared/None: 19

Democrats: 9

Republicans: 0

CALIFORNIA

San Francisco County Sample Case Studies

1

Name: **E. Shuvalova**
Registration Year: **2012**
Cancellation Year: **2016**
Method: **Third Party**
Voted: **No**

Records show that Shuvalova—then a Russian national —registered to vote in San Francisco County in 2012 during a voter registration drive organized by the group "No Wall on the Northeast Waterfront." Shuvalova outed herself as an ineligible alien by returning a vote-by-mail ballot to election officials with the phrase "NOT CITIZEN" written on it in 2017. The next year, a California DMV transaction registered her to vote again. The Foundation shared a portion of the public record regarding Shuvalova's registration on social media prior to the publication of this Report.[13] A newspaper then tracked Shuvalova down in New York where she claimed "identity fraud" and stated she was not a U.S. citizen during her residency in California.[14] Records reviewed by the Foundation indicate that despite her cross-country relocation, she was still an active, registered voter in San Francisco in the summer of 2018.

No
5/7/1991
RU - Russia
Cancelled
Democratic
Perm
Office
In Person/In Office/ROV
2012-7-10899-1
(none)
VOTER WROTE ON BALLOT NOT CITIZEN 5/14/16 CK/FR: NO WALL ON THE NORTH EAST WATERFRONT

Excerpt from Shuvalova's voter registration history

2

Name: **D. Endsjo**
Registration Year: **2000**
Cancellation Year: **2016**
Method: **Motor Voter**
Voted: **Yes (6 ballots)**

Endsjo spent 16 years on San Francisco's voter rolls. Each of the 6 ballots he cast during this time were submitted through the County's vote-by-mail system. A 7th ballot, mailed to Endsjo for the 2016 presidential election, was voided after he confessed to election officials that he was not a U.S. citizen in a written request to cancel his registration.It does not appear that any state or federal prosecutions were initiated against Endsjo for multiple instances of voting in elections as a foreign national.

Voted?
VBM Voided after Issued
VBM Issued but not Returned
VBM Issued but not Returned
VBM Issued but not Returned
Voted by VBM Ballot
Absentee Issued but not Retur...
Voted by VBM Ballot
Absentee Issued but not Retur...
Voted by VBM Ballot
Voted by VBM Ballot
Absentee Issued but not Retur...
Voted by VBM Ballot
Voted by VBM Ballot

Endsjo's ballot and voting history

San Francisco County Sample Case Studies

3

Name: **E. Cruz**
Registration Year: **2006**
Cancellation Year: **2016**
Method: **Third Party**
Voted: **No**

Cruz's story is perhaps another example of a noncitizen student caught in the registration system by a campus registration drive. With the hope that his application for naturalization would not be derailed, Cruz wrote to San Francisco County election officials to request documentation that his voter registration had been cancelled. Cruz's letter claims that he "accidentally registered" to vote while attending college in the Bay Area. In his letter, Cruz states, **"I thought I was registering to vote for student body of the campus."**

> I accidentally registered to vote while attending City College of san Francisco because I thought I was registering to vote for student body of the campus.

Excerpt from Cruz's cancellation request

4

Name: **J. Rehbock**
Registration Year: **1990**
Cancellation Year: **2017**
Method: **Unknown**
Voted: **Yes (17 ballots)**

Rehbock ended his 27-year stay on San Francisco's voter rolls when he admitted to being an ineligible alien in a request to cancel his registration in September 2017. Due to incomplete records, the full extent of Rehbock's participation in our nation's elections could not be fully ascertained by the Foundation. What the records do show is that **Rehbock cast at least 17 ballots between 1999 and 2006.** It does not appear that any state or federal prosecutions were initiated against Rehbock for multiple instances of voting in elections as a foreign national .

Elec Abbr	Elec Description	Date	Type	Vot Pct	Reg Pct	Voted?
060606SEMI	CONSOLIDATED ...	6/6/2006	Other			Voted at Polling Place
110805SPEC	CONSOLIDATED ...	11/8/2005	Other			Voted at Polling Place
110204GEN	CONSOLIDATED ...	11/2/2004	General			Voted by VBM Ballot
030204SEMI	CONSOLIDATED ...	3/2/2004	Other			Voted at Polling Place
120903SPEC	MUNICIPAL RUN...	12/9/2003	Other			Voted at Polling Place
110403MUNI	CONSOLIDATED ...	11/4/2003	Other			Voted at Polling Place
100703RECA	STATEWIDE SPE...	10/7/2003	Other			Voted at Polling Place
110502GEN	CONSOLIDATED ...	11/5/2002	General			Voted at Polling Place
030502SEMI	CONSOLIDATED ...	3/5/2002	Other			Voted at Polling Place
121101SPEC	MUNICIPAL RUN...	12/11/2001	Other			Voted at Polling Place
110601MUNI	CONSOLIDATED ...	11/6/2001	Other			Voted at Polling Place
121200SPEC	MUNICIPAL RUN...	12/12/2000	Other			Voted at Polling Place
110700GEN	CONSOLIDATED ...	11/7/2000	General			Voted at Polling Place
030700OPEN	CONSOLIDATED ...	3/7/2000	Primary			Voted at Polling Place
121499SPEC	MUNICIPAL RUN...	12/14/1999	Other			Voted at Polling Place
110299GEN	CONSOLIDATED ...	11/2/1999	General			Voted at Polling Place

Rehbock's voting history

Sanctuary: Riverside County

Riverside County disclosed a limited dataset revealing six examples of noncitizen registration, all found thanks to information sharing from jury duty officials. **The County suppressed the dates in which these registrants were removed, along with any indications on voting activities.**

Riverside County Court House

Summary of Findings

6 Noncitizen registrations cancelled in Riverside County

Method of Registration

Third Party: 3

Unknown: 3

Method of Detection

Jury Summons: 6

Party Registration

Democrats: 3

Undeclared/None: 2

Republicans: 1

Sanctuary: Chicago

In February 2018, City officials announced that the CityKey program— a photo ID card issued by Chicago— would be acceptable for use in elections as a required voter ID. All residents regardless of citizenship or legal status are entitled to such cards.[15] This naturally caused concern that illegal immigrants would use the card to register to vote or vote. Because noncitizens previously could vote in the city in certain circumstances, the CityKey program injected another vulnerability into Chicago's electoral system. Worse, the Illinois Department of Motor Vehicles has a history of offering voter registration to noncitizens.

One of the first high-profile deportation cases under the Trump Administration brought scrutiny to Illinois' flawed implementation of Motor Voter.

News organizations reported on the unfortunate case of Margarita Fitzpatrick, a Peruvian national previously living in Illinois with her American husband. In 2005, she visited her local driver's license office— presenting her foreign passport and Green Card to identify herself. As she tells it, despite first documenting that she did not want to register to vote, the DMV clerk offered her voter registration multiple times in the same transaction—leaving a confused Fitzpatrick to accept and later vote repeatedly. Years later, her actions resurfaced when working through the naturalization process, which resulted in her getting a one-way ticket back to Peru.

In her many media appearances, Fitzpatrick put blame in a variety of places for her illegal registration and voting in Illinois. She said the DMV clerk "misled" her. She said the Motor Voter system failed her: "Non-citizens should not be asked this question — period." Her family attacked the National Voter Registration Act (Motor Voter), as a tool for "entrapment."[16]

How many cases like Fitzpatrick's arise in sanctuary Chicago? **Local officials disclosed 232 examples of noncitizens "cancelled" from the voter roll due to ineligibility.** The data provided was limited to names and dates of removal. **Voting history, registration lifespans, means of entry, and other points remain undisclosed.**

Noncitizens Removed Per Year in Chicago

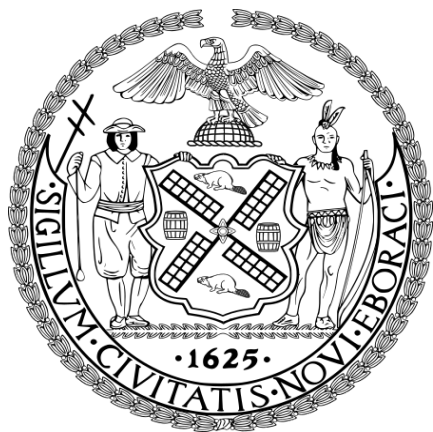| Year	Count
2007	1
2009	3
2013	39
2014	75
2015	20
2016	38
2017	29
2018	27
TOTAL:	**232**

Sanctuary: **New York City**

New York City presents a potential outlier study within this report. The Big Apple, the largest city in the country, barely disclosed any information to us. Cancellation years reached back only to 2015, so all alien cancellation records before 2015 are being hidden by local election officials. The data provided by New York City also lacked important information such as the means of registration and voting history. Implausibly, election officials disclosed only six cases of noncitizens found and removed from the roll. Lifespans of registrants span from a few months to 24 years before admitting ineligible status.
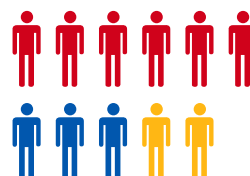
New York presents other irregularities compared to large American cities. The city demonstrates historically low voter turnout and maintains a noncitizen voter population roughly the size of Philadelphia.[17] Former Mayor Michael Bloomberg revamped the school board system in 2002 which terminated policies dating back to 1969 that allowed aliens to vote for school board.

Sanctuary: **Dekalb County**

DeKalb County, which consists of the eastern Atlanta metro area, also disclosed a modest collection of noncitizens discovered on the rolls. Like San Diego, records suggest that registrars are in contact with jury clerks to pass along leads on potential noncitizens admitting their ineligible statuses to avoid duty.

Method of Detection

■ Jury Summons
■ ID Theft
■ Motor Voter

In total, 11 noncitizens were identified in the past three years. They remained registered for an average of six years before discovery and removal. Of the 11, three cast at least one ballot.

Case Study

1

Name: **D. Currier**
Registration Year: **2006**
Cancellation Year: **2015**
Method: **Unknown**
Voted: **Yes (1 ballot)**

After years of residing in the United States, Currier told the DeKalb Superior Court he could not serve on a jury because he was still an Australian national in 2015. Before that, he voted in the 2008 presidential election. After his citizenship admission, the local registrar closed his file. It does not appear that any state or federal prosecutions were initiated against Currier for multiple instances of voting in elections as a foreign national.

PENNSYLVANIA

Sanctuary: Philadelphia

The Pennsylvania Department of State admitted in 2017 that all customers engaging in driver's license transactions were exposed to voter registration screening questions regardless of their eligibility to vote. Often described as a "glitch," this procedural flaw was known to exist since the mid-1990s when the Commonwealth enacted federal Motor Voter mandates.

Several efforts have been made to ascertain how many noncitizens in Philadelphia fell into this broken system. The City of Philadelphia in 2012 published a "snapshot" report detailing 19 instances where noncitizens admitted to ineligible voter registration after the fact. Seven of those cast at least one ballot in their lifespans as registrants there.[18] In 2016, the Foundation released an updated look at the city, finding from 2013 to 2015, another 86 noncitizens self-reported their ineligible registrations. Of those, 40 cast at least one ballot.[19] In 2017, the City of Philadelphia expanded previous findings by noting that 317 noncitizens since 2006 had registered and requested removal on their own accord.[20]

Following the multiple efforts, Commonwealth officials bent to pressure to find more noncitizens still registered to vote who have yet to unmask themselves. Yet the Commonwealth still refuses to disclose what it has uncovered. The Foundation is currently in litigation over its attempts to obtain detailed information revealing detection and removal efforts.

Noncitizens Removed Per Year in Philadelphia (with number voting)

Year	Removed (Voting)
2013	33 (7)
2014	30 (18)
2015	23 (15)
TOTAL:	**86 (40)**

Granular data is available in sporadic time-frames at present – demonstrating the need for improved transparency.

NEW JERSEY

Sanctuaries: Essex, Middlesex, and Ocean

New Jersey is home to four sanctuary jurisdictions – three of which reveal evidence of noncitizen voter registration and voting. Unlike the bulk of other jurisdictions reviewed in this report, an added twist to the broken Motor Voter system awaits unsuspecting legal immigrants.

Like Pennsylvania, New Jersey DMV offices regularly offer voter registration to noncitizens. However, even when they decline, their information is still transmitted to voter registrars where unique voter ID (VUID) numbers are established.

Although such an arrangement does not give them access to ballots, the paper trail has left noncitizens vulnerable to heightened scrutiny from immigration officers reviewing their requests for naturalization. Some records demonstrated that even those who declined voter registration were later denied citizenship based on the existence of their VUID.[21] The Foundation considers these "trapped aliens." Like all other jurisdictions, claims to U.S. citizenship for the purpose of voting were also believed without verification until noncitizens admitted otherwise.

Essex County

TOTAL 107

Trapped: 58 | Removed: 49

Average Registration **1 year**

Registration Method

Motor Voter: 68
Self: 21
Third-Party Drive: 7
Unknown: 11

Middlesex County

TOTAL 346

Trapped: 294 | Removed: 51

Average Registration **1 year**

Registration Method

Motor Voter: 298
Self: 3
Unknown: 45

Ocean County	TOTAL	3	Average Registration	3 years

New Jersey
Sample Case Studies

1

Name: **W. Cox**
Registration Year: **1997**
Cancellation Year: **2010**
Method: **Motor Voter**
Voted: **Yes**

Cox's paper trail for voter registration in Essex County dates to 1997, at the earliest. Over the years, he kept his record active by updating his address and casting ballots in the 2000 and 2001 general elections. He then went dormant until 2010 when he came into the Essex County office and simply wrote, "not a U.S. citizen, please removed [sic] my records." It does not appear that any state or federal prosecutions were initiated against Cox for multiple instances of voting in elections as a foreign national.

| Election History: | | | | | | | | | | | |
Election Date & Name	Election Type	Election Code	Ballot Type	County Voted In	Municipality Voted In	Party Affiliation	Memo	User Scanned	Date Scanned	Date Counted	Ballot Status
11/06/2001- GENERAL 11/06/2001	General	00040	Machine	ESSEX	UNKNOWN			CONV	11/06/2001	11/06/2001	
11/07/2000- GENERAL 11/07/2000	General	00040	Machine	ESSEX	UNKNOWN			CONV	11/07/2000	11/07/2000	

N 7-19-10

Cox's voting history

2

Name: **J. Mughal**
Registration Year: **2007**
Cancellation Year: **2009**
Method: **Motor Voter**
Voted: **Yes**

Despite his short lifespan as a registered voter in Middlesex County, Mughal managed to cast ballots in the 2007 and 2008 elections via machine at the polls. He originally was registered to vote at an agency with Motor Voter responsibilities and was later removed by "administrative action." The record is silent on any excuses he may have given at the time of cancellation, nor is there any indication that law enforcement was notified of the events.

| Election History: | | | | | | | | | | | |
Election Date & Name	Election Type	Election Code	Ballot Type	County Voted In	Municipality Voted In	Party Affiliation	Memo	User Scanned	Date Scanned	Date Counted	Ballot Status
11/04/2008- GENERAL ELECTION	General	00004	Machine	MIDDLESEX	SOUTH RIVER			AGOLLIVE	01/27/2009	11/04/2008	
11/06/2007- STATE- GENERAL ELECTION	General	STATE11062007	Machine	MIDDLESEX	SOUTH RIVER			MWOJCIK	11/06/2007	11/06/2007	

Mughal's voting history

VIRGINIA

Sanctuaries: Fairfax, Chesterfield, and Arlington

Among all the states studied within this report and beyond, only Virginia maintains a clearly structured system for detecting and processing noncitizen registrants for removal from voter rolls.
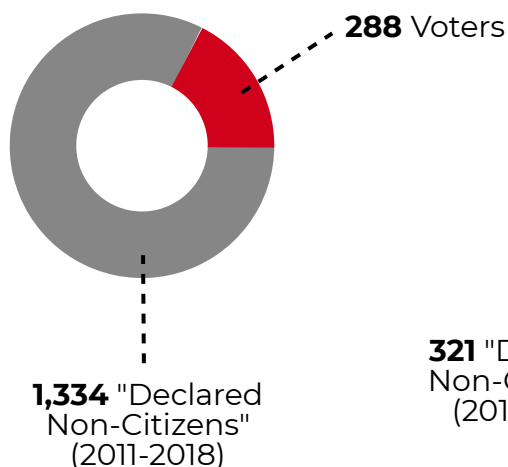
In general, when a noncitizen becomes registered to vote by any means, Virginia law utilizes two strategies for identifying them after the fact.[22] Once the same noncitizen properly documents their status with the Department of Motor Vehicles, the DMV then transmits that information among others in a periodic report to the Department of Elections as a type of blacklist maintenance lead. Referrals are then passed down to county or municipal officials charged with sending notices to the potential noncitizens, which ask them to confirm their actual legal status within 14 days of the mailing date. The Commonwealth also relies on regular reports from the U.S. Systematic Alien Verification for Entitlements Program (SAVE Program) for similar leads.

The existence and utilization of an active detection system yields larger numbers of "Declared Non-Citizens" per jurisdiction, when contrasted against a locale solely reliant on ineligible registrants to report on themselves.
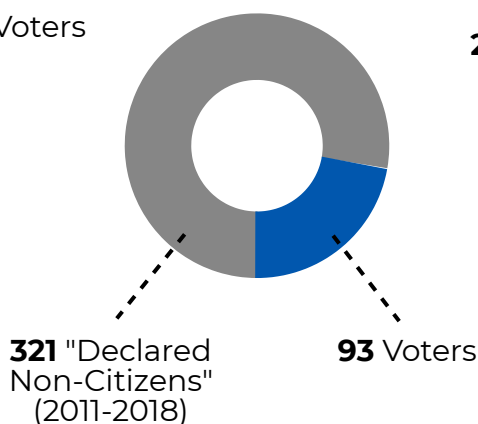
Virginia currently contains three sanctuary jurisdictions—all of which disclosed records of registrants cancelled under the designation "Declared Non-Citizen." The reports are silent on means of registration and which detection database triggered the eventual removals.
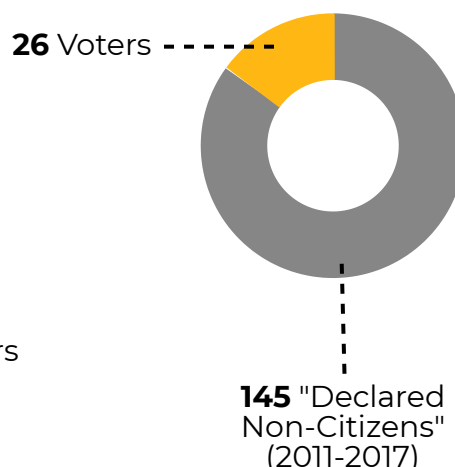
Fairfax County

288 Voters

1,334 "Declared Non-Citizens" (2011-2018)

Chesterfield County

321 "Declared Non-Citizens" (2011-2018)

93 Voters

Arlington County

26 Voters

145 "Declared Non-Citizens" (2011-2017)

SOLUTION PROPOSALS

A suite of reforms are necessary to prevent citizens and immigrants alike from illegal registrations. The Foundation recommends the following:

- Legislators should seriously consider adopting systems like seen in **Virginia and Arizona** where new applicants for voter registration are queried against other state databases, typically driver's license customer lists, to access proofs of U.S. citizenship contained in those systems. This reform places no up-front burden on new registrants.

- Alternatively, states should utilize federal databases like SAVE to help identify noncitizens more quickly. States should use all available data, in addition to jury recusal information, to help maintain accurate and current voter rolls.

- Election officials of all jurisdictions should always seize opportunities to better educate the public on issues related to voter eligibility and election integrity. Too many legal permanent residents thought they could vote and did so. The public must also be better informed to the limited role DMVs play in keeping voter records reliable. The offices are not arbiters of voter eligibility and simply pass along the data they are given.

- The database, known as E-Verify, that is being used by U.S. employers to check the citizenship status of prospective employees should be made available to election officials and administrators to better identify registered voters and pending applicants who are not actually citizens.

- The U.S. Department of Homeland Security should open new information-sharing channels between agencies to include Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), Citizenship and Immigration Services (USCIS) and Homeland Security Investigations (HSI) with state and local election officials to more easily identify noncitizens coming into contact with the federal immigration system.

- Immigration officials must amend the federal forms related to other phases of the immigration process to include the questions related to registration and voting now only contained on the naturalization forms. The information about whether an alien has registered and voted should be asked across the immigration process—both for visa and green card extensions, as well as any DACA related applications.

- Law enforcement at both the federal and state level should exercise their authority to prosecute cases of voter fraud.

1 A "sanctuary jurisdiction" is either a city, county, or state that has laws, ordinances, regulations, resolutions, policies, or other practices that obstruct immigration enforcement and shield criminals from ICE—either by refusing to or prohibiting agencies from complying with ICE detainers, imposing unreasonable conditions on detainer acceptance, denying ICE access to interview incarcerated aliens, or otherwise impeding communication or information exchanges between their personnel and federal immigration officers.

2 Sanctuary jurisdictions were identified based on resources provided by independent research groups.

3 USCIS, Form N-400, Part 12, Questions 1-3.

4 USCIS, Form I-140, Immigration Petition for Alien Worker https://www.uscis.gov/i-140.

5 USCIS, Form I-90 Application to Replace or Renew Permanent Resident Card https://www.uscis.gov/i-90.

6 USCIS, Form I-821D, Consideration of Deferred Action for Childhood Arrivals https://www.uscis.gov/i-821d.

7 Reuters, San Diego County backs Trump challenge to California 'sanctuary' law (April 17, 2018), https://www.reuters.com/article/us-usa-immigration-california/san-diego-county-backs-trump-challenge-to-california-sanctuary-law-idUSKBN1HO2XE.

8 Until December 2014, California DMV offices included an application for voter registration with all driver's license applications. Unless a record of registration indicated a different source, all hand-written applications for voter registration were considered to have originated through the registration process facilitated at DMV offices.

9 This percentage is based on registrants for whom voting history was provided.

10 PILF, *Best Practices for Achieving Integrity in Voter Registration* (June 21, 2017), https://publicinterestlegal.org/blog/best-practices-achieving-integrity-voter-registration/.

11 All source documents for the sample case studies cited in this report are available here: https://publicinterestlegal.org/safe-spaces-case-study-exhibits/.

12 CNN, Noncitizens in San Francisco can register to vote, but only for school board elections (July 20, 2018), https://www.cnn.com/2018/07/20/us/noncitizens-vote-san-francisco/index.html.

13 https://twitter.com/PILFoundation/status/1022521624711647233.

[14] *The Washington Times*; Noncitizens across U.S. find it easy to register to vote, cast ballots (July 31, 2018), https://www.washingtontimes.com/news/2018/jul/31/noncitizens-find-it-easy-register-vote-cast-ballot/.

[15] *Chicago Tribune*, Chicago ID card would be valid voter identification (February 16, 2018), http://www.chicagotribune.com/news/local/politics/ct-met-rahm-emanuel-municipal-id-vote-20180216-story.html.

[16] NBC News, Grandmother Deported for Voter Fraud Leaves U.S. in Tears (August 5, 2017), https://www.nbcnews.com/politics/immigration/grandmother-deported-voter-fraud-leaves-u-s-tears-n789766.

[17] The Village Voice, Why Don't We Let Noncitizen Residents Vote? (November 7, 2017), https://www.villagevoice.com/2017/11/07/why-dont-we-let-noncitizen-residents-vote/.

[18] "Schmidt Investigation Alleges Illegal Voting in Primary," Philadelphia Public Record (July 18, 2012), http://www.phillyrecord.com/2012/07/schmidt-investigation-finds-illegal-voting-in-primary/.

[19] "Aliens & Felons: Thousands on the Voter Rolls in Philadelphia," Public Interest Legal Foundation (2016), https://publicinterestlegal.org/files/Philadelphia-Litigation-Report.pdf.

[20] Chris Brennan, "Glitch let ineligible immigrants vote in Philly elections, officials say," Philadelphia Inquirer (Sept. 20, 2017), http://www.philly.com/philly/news/politics/city/philly-voter-fraud-trump-immigrants-registration-commissioners-penndot-20170920.html.

[21] PILF, Garden State Gotcha: How Opponents of Citizenship Verification for Voting Are Putting New Jersey's Noncitizens at Risk of Deportation (2017), https://publicinterestlegal.org/blog/garden-state-gotcha-how-opponents-of-citizenship-verification-for-voting-are-putting-new-jerseys-noncitizens-at-risk-of-deportation/.

[22] Va. Code Ann. § 24.2-427(B1).

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