

Opinion: California's non-citizens should vote

By Joe Mathews

President Trump claims that California allowed millions of non-citizens to vote in the 2016 elections. This allegation, while totally bogus, has put California on the defensive as Trump and his allies use the lie to justify a new federal commission devoted to making it harder for all Americans to vote.

Californians should go on offense – by embracing Trump's ugly lie and transforming it into a beautiful civic truth. Let's make our state more democratic—by guaranteeing California's non-citizens the right to vote in local and state elections.



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Sounds radical, right? It's not. In this country, there is no constitutional prohibition against non-citizens voting; states decide who gets to vote. For most of American history, voting by non-citizens was commonplace. Given Trump's threats both to immigrants and democracy, Californians should seize this moment to give the franchise back to non-citizens.

California is home to about 5 million adults (or one in six California adults) who can't vote because they're not citizens. This huge disenfranchised cohort is an affront to American principles. Taxation without representation? These

non-citizens pay taxes, but they are not represented. Consent of the governed? Noncitizens must follow our laws—but they can't vote to consent. Home of the brave? Noncitizens serve in the military but can't vote for the government that sends them to war.

We Californians tolerate this form of apartheid, even though the lesser status of non-citizens—especially the 2 million-plus undocumented Californians—makes them more vulnerable to abuse and removal from the country they've helped build. To its credit, California has taken steps on behalf of non-citizens, who now enjoy in-state university tuition, driver's licenses, the ability to practice the law, and—if they are children—state-funded health care.

But none of this is enough. All Californians won't be equal until all have that great democratic weapon: the vote. As Martin Luther King Jr. said, "Give us the ballot and we will no longer have to worry the federal government about our basic rights."

Americans tell themselves that our country has extended the franchise over time—to African Americans, women, 18-year-olds. But non-citizens had the vote, and lost it.

From the founding through the 20th century, non-citizens voted in dozens of states. The vote was a lure for settlers and part of assimilation process. What better way to educate yourself in civic traditions than by voting? But the coming of the First World War produced an anti-immigrant backlash. By 1926, every state had banned non-citizen voting.

Such voting continues only in limited local form. Some Maryland cities, New York, Chicago, and (as of 2016) San Francisco, allow non-citizens to vote in certain local elections. And internationally, as global migration grows, two dozen countries have established voting rights for non-citizens in recent decades.

And U.S. Supreme Court precedent remains clear; states can let non-citizens vote if they choose. While Congress explicitly outlawed non-citizen voting in federal elections, the door remains open for local and state elections.

California should walk through that door.

Non-citizen voting not only would express our commitment to universal suffrage and protecting vulnerable people. It also would make the voting population, now older and whiter than the state, more representative.

By the same token, the arguments against enfranchising non-citizens make little sense. Non-citizens don't constitute some distinct or isolated group that doesn't understand the rest of us; California's non-citizens are a diverse array of people by origin, class and education, many of whom have been in California longer than our citizens.

And the go-to argument of the anti-immigrant crowd—that excluding non-citizens from voting makes our society cohesive—is a tautology, as the legal scholar turned Congressman Jamie Raskin has written: “When opponents of inclusion make an argument about insufficient commonality, they are only reinforcing and deepening what they claim to bemoan.”

Practically, establishing non-citizen voting would be hard. It might require a new governor; Jerry Brown, who has said voting should be reserved for U.S. citizens. And in an era of mass deportation, few undocumented Californians would register to vote, since it means putting your name and address on a public list.

But that shouldn't stop us from enfranchising the millions of non-citizen Californians who have spent at least five years here. The easiest way to do that is to permit voting only in local elections. Allowing non-citizens to vote in state elections would escalate our war with the federal government,

since voting for federal representatives is conducted at the state level, and non-citizen voting for federal offices is illegal.

But escalation is inevitable. Trump will dishonestly attack California and its voting practices, whether we let non-citizens vote or not.

California should take the clear and just position: universal suffrage means universal suffrage. If America is going to call itself a democracy, there ought to be at least one state in this country that is an actual democracy.

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