



Written by [Joe Wolverton, II, J.D.](#) on March 17, 2011

Illegal Aliens Fraudulently Cast Ballots in New Mexico

Earlier this week, New Mexico Secretary of State Dianna J. Duran (pictured, left) announced that her office has made a disturbing discovery. After a two-day-long probe into possible fraud in the voter registration rolls, Duran and her team reported that their investigation revealed that at least 117 names of foreign nationals appeared in that database.



What's more troubling is that every one of those 117 individuals used a social security number that did not match their name. The final result of this cross-checking of files revealed that 37 of those foreigners who illegally registered to vote actually did cast ballots in New Mexico elections.

According to the statement released by Duran, her office scoured documents going back eight years. Bobbi Shearer, the director of the state Bureau of Elections, told reporters that the process of checking this information was arduous, involving very detailed surveys of thousands of names.

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Regarding the findings, Shearer commented, "There's evidence that they're in the foreign national database, that their name and date of birth matches, and their Social Security number in our database is not valid, and that they did cast votes."

One county official, Dona Ana County Clerk, Lynn Ellins, downplayed the findings, musing that "no system is perfect." Added Ellins, "She [Duran] claims 37 people have voted in eight general elections. That's millions of voters; 37 is not a very big number."

Secretary Duran takes a different view: "I know New Mexicans will agree that even one illegal vote is one too many," she stated. Furthermore, Duran has indicated in various published reports that over that eight-year time span, there were a number of close elections decided by a handful of votes.

A spokesman for New Mexico's Governor Susana Martinez agrees with Secretary Duran's assessment of the gravity of the situation. "Each and every illegally cast vote disenfranchises a New Mexican, and this is yet another reason why the governor strongly supports repealing the law that gives driver's licenses to illegal immigrants," said spokesman Scott Darnell.

The law referred to by Darnell in his statement on behalf of Governor Martinez is a 2003 statute that allows foreign nationals (including illegal immigrants) to apply for a driver's license without providing a social security number. Instead, the applicant may use a taxpayer identification number issued by the IRS. Beyond that, the applicant need only show a passport or some other photo I.D., including a Matricula Consular card issued by the government of Mexico at its U.S. consulates.

According to the New Mexico Motor Vehicle Division, more than 80,000 foreign nationals have applied for and received driver's licenses. And, as the state does not request information regarding the



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immigration status of those applying for a license, the agency has no way of determining how many people illegally present in the state are currently carrying valid state-issued driver's licenses.

Secretary of State Duran is confident that much of the missing crucial data will be contained in a response to a lawsuit filed in 2006 against the Motor Vehicle Division by the Republican Party of New Mexico. The complaint requested that the agency be ordered to disclose the names of all foreign nationals to whom driver's licenses had been issued. The Republican Party sought the information — information withheld by former New Mexico Governor Bill Richardson — in order to assure that no illegal alien was using a valid license in order to vote.

As part of a settlement agreement, the Motor Vehicle Division will hand over the names to the Secretary of State's office, which will in turn compare those names with the voter registration rolls. Whether or not any other of the requested information is released regarding the obtaining of licenses by foreign nationals will soon be decided by the New Mexico Supreme Court.

Predictably, Secretary Duran's findings — along with the concomitant focus on the activities of illegal aliens — has sparked outrage among many in the immigrant community hostile to any attempt to crack down on illegal immigration and crimes committed by those illegally present in the state.

"Basically, it's an absurd way of trying to ferret out people who are illegally registering. There has been no evidence to show that immigrants who are either legally permanent residents or undocumented are trying to do it," claimed Marcela Diaz of [Somos Un Pueblo Unido](#), an organization that has spent the last 16 years working to pass the DREAM Act and further the radical illegal immigrant agenda.

She continued: "Most people in the immigrant community would not attempt to vote illegally because it would prevent them from one day becoming a legal permanent resident or citizen."

Diaz did not, however, go on to explain how most people in the so-called "immigrant community" quite regularly do threaten their potential legal status by accepting employment in the United States in direct violation of applicable state and federal law prohibiting those without proper authorization from working.

Similar statements have been made by other activists in the cause of protecting the "right" of illegal immigrants to persist in breaking the law. As reported by the Santa Fe *New Mexican*:

The executive director of Common Cause New Mexico requested Duran's office forward any evidence of illegal voting to law enforcement officials. "... in recent years, many allegations of election-related felonies have circulated in our state. Time after time, these allegations have been proven to be fictitious," the group's executive director Steve Allen said in a news release. "Sadly, the same pattern has repeated itself over and over again. At this point, the evidence should be forwarded to law enforcement before, or at least at the same time as, such allegations are circulated to the media. We don't need more senseless panic about a problem that time and time again has proven to be largely imaginary."

And, in a case of this profile and press coverage, the ACLU naturally seeks to hitch its wagon to the publicity train. A statement released on the [ACLU-New Mexico's website](#) declared:

Today, the American Civil Liberties Union of New Mexico (ACLU-NM) filed public records requests with the Office of Governor Susana Martinez and the NM Secretary of State seeking all records and correspondence related to Secretary of State Dianna Duran's announcement yesterday that her office had uncovered possible instances of voter fraud by foreign nationals.



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Through the requests, the ACLU-NM seeks to ensure the transparency and objectivity of the investigation.

‘We want to know the motivations behind this investigation and the validity of any assertions that the New Mexico law allowing drivers licenses for all immigrants contributed to voter fraud,’ said ACLU-NM Executive Director Peter Simonson. ‘We take claims of voter fraud seriously because they undermine voter confidence in our electoral system and tend to discourage participation in elections. We also wish to ensure that any exchange of records in this investigation did not violate voter privacy guarantees that are written into state law.’

Despite the protests and the propaganda, Secretary of State Duran is undeterred and will continue her investigation beyond these “preliminary” stages. Moreover, she will supplement these findings already published with those made available to her office upon receipt of the data promised by the Motor Vehicle Division in their settlement of the lawsuit filed against it. The arguments in that case were heard Monday by the New Mexico Supreme Court, but a ruling on the remaining issues is still forthcoming.



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