



Written by [Warren Mass](#) on July 29, 2017

## Report: Between 594,000 and 5.7 Million Noncitizens Voted in 2008. But How About 2016?

The president of the Just Facts non-profit research and educational institute issued a startling report in June indicating that between 594,000 and 5.7 million noncitizens voted in the 2008 presidential election. Just Facts, a New Jersey-based firm that employs conservative and libertarian policy analysts, was cited (among other places) in a June 22 editorial in *Investor's Business Daily* headlined, "Did Votes By Noncitizens Cost Trump The 2016 Popular Vote? Sure Looks That Way."



*Investor's Business Daily* applied the 2008 election findings to the 2016 election, stating:

The findings are eye-opening. In 2008, as many as 5.7 million noncitizens voted in the election. In 2012, as many as 3.6 million voted, the study said.

In 2016, the U.S. Census Bureau estimates that there were 21.0 million adult noncitizens in the U.S., up from 19.4 million in 2008. It is therefore highly likely that millions of noncitizens cast votes in 2016.

Just Facts' findings were challenged by several organizations on the liberal-left side of the political spectrum. One such organization was PolitiFact, which wrote:

The number [of noncitizens voting] comes from a conclusion by Just Facts, a conservative/libertarian think tank. Just Facts' numbers came from a study by Old Dominion University researchers. That study was based on a survey which showed that 38 people out [of] 32,800 claimed to be noncitizens who had actually voted. Just Facts used data from the study and census estimates on the noncitizen population to come up with a national figure of noncitizen voters.

But other researchers and political scientists have said the small number is not a reliable source of data on noncitizen voters nationwide. We rate this claim False.

In a 2012 article, Jon Cassidy, a writer with the long-respected conservative journal *Human Events* questioned PolitiFact's credibility after examining its work on a case-by-case basis. *Human Events* found that a pattern emerged whereby Politifact critiqued straw man claims; that is, "dismissed the speaker's claim, made up a different claim and checked that instead."

Agresti wrote in his rebuttal that his critics' articles "are littered with sophomoric inconsistencies, irrationalities and outright falsehoods."

The Just Facts president said the Old Dominion policy analysts took the issue of sampling into consideration by "weighting" the data to match Census Bureau numbers.

In addition, he said, 14 percent of self-declared noncitizens who said they were not registered to vote



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were in fact on voter rolls, according to databases.

Of those, 8 percent answered, “I definitely voted” in 2008, and of those, 82 percent said they voted for Barack Obama.

“Given the poor math skills of many adults, the arguments of Snopes and PolitiFact may sound convincing to some people, but these so-called fact-checkers are using mathematically illiterate notions instead of concrete, quantifiable facts,” Agresti wrote.

An article about this issue in the *Washington Times* offered a suggestion to settle the noncitizen debate — relying on the Presidential Advisory Commission on Election Integrity. The co-chairmen, Vice President Mike Pence and Kansas Secretary of State Kris Kobach, want the states to provide what is normally public voter registration data.

The *Times* reported that Democrat-led states are stonewalling the commission, and Virginia Gov. Terry McAuliffe as being “a leader of this resistance.”

McAuliffe has vetoed a number of bills designed to identify voters who are not legally qualified to vote.

The *Times* cited a report released in May by the Public Interest Legal Foundation, a conservative grassroots group dedicated to eliminating voter fraud, that found at least 5,500 noncitizens were registered to vote in Virginia during this decade, with at least 1,852 of them having voted, casting more than 7,000 votes.

The *Wichita Eagle* posted an article on its website on July 19 about Kansas Secretary of State Kris Kobach (cited earlier) kicking off the first meeting of President Trump’s Advisory Commission on Election Integrity. The article noted that Kobach cited more than 100 cases of non-citizens trying to register or registering to vote in Kansas.

“We have discovered 128 specific cases of non-citizens who either registered to vote or attempting to register to vote. But that’s just the tip of the iceberg. One expert in the case estimated the total number could be in excess of 18,000 on our voter rolls,” Kobach told the press on July 19.

Kobach was interviewed by MSNBC following the initial commission meeting. During the interview, Kobach was asked whether he believed Hillary Clinton won the popular vote over Trump because of voter fraud.

“We may never know the answer to that question,” Kobach said, adding that even if there were large numbers of illegal votes, how people voted would not be known.

The *Eagle* also reported that an affidavit filed in March by Kansas State Election Director Bryan Caskey stated that he had found 125 non-citizens who had either tried to register or registered. Kobach spokeswoman Samantha Poetter referred reporters to the affidavit and said three more cases of non-citizens had been discovered since it was signed in March, bringing the total to 128.

“This commission will have the ability to find answers to questions that have never been fully been answered before and to conduct research that has never been conducted before,” Kobach said to the press following the commission’s first meeting.

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