



Illegal and Legal Immigrants Could Help Elect Clinton President

The concentration of noncitizen immigrants — both those here legally as well as those here illegally — in heavily Democratic states could help Hillary Clinton win enough electoral votes to be elected president in 2016.

The manner in which noncitizens could help Clinton (or another Democratic candidate such as Bernie Sanders) win the presidency extends beyond the usual concerns about vote fraud or the illegal registration of people who are not eligible to vote, however. The mere presence of such immigrants in a state and their being counted in the census boosts the state's representation in Congress and results in a larger electoral vote for the state.

The possibility of immigrants helping to elect Hillary Clinton to the White House was explored in an October 3 *Politico* article by Paul Goldman and Mark J. Rozell. Goldman is a Richmond attorney and former Virginia Democratic Party chairman. Rozell is an author and acting dean and professor of public policy at the School of Policy, Government, and International Affairs at George Mason University.

It's all a matter of mathematics, say the writers. And the math results from two separate factors being taken into consideration — the census and the number of electoral votes assigned to each state. The 14th Amendment (which was itself a modification of Article I, Section 2 of the Constitution) prescribes the method of counting the population to determine representation:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

Later on in the Constitution, in Article II, Section 1, we find how the number of representatives apportioned to each state affects the number of electoral votes the state may cast in presidential elections:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress.

Since each state is entitled to two senators, therefore, a states' electoral vote is equal to the number of representatives it has in the House, plus two.

As for how these factors might influence a presidential election, the *Politico* article notes that when the language about apportionment was placed in the Constitution, the very concept of an "illegal immigrant," as we define the term today, had no meaning (although Congress was given the authority





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to establish rules for the naturalization of citizens). Consequently, the census counts illegal immigrants and other noncitizens equally with citizens. This means that even though noncitizens (whether here legally or illegally) are not entitled to vote, by being counted in the census they increase the population of a state and provide it with additional representatives in the House, resulting in more electoral votes, as well.

As for how this might affect a presidential election, if only citizens are entitled to cast votes, it must be considered that some states are reliably Democratic or Republican. If a reliably Democratic state is given more electoral votes, it will deliver more electoral votes to the Democratic candidate. And vice versa. This phenomenon can benefit either party. Large numbers of immigrants in New York and California benefit the Democrat candidate while large numbers in Texas benefit the Republican presidential candidate.

The article cited a projection made by American University scholar Leonard Steinhorn, who figured out what would happen if the census counted only citizens in determining the figures used for apportionment. If that were to occur, the Democratic-leaning states California, New York, and Washington; Republican-leaning Texas, and swing state Florida, would all lose electoral votes. After figuring which states would receive the additional representatives and electoral votes lost by these states, Steinhorn determined that a change in census rules to count only citizens would result in four more electoral votes for the Republican candidate.

As for how to address this situation, it could be remedied in one of two ways. The first would require an act of Congress to change how the census counts residents. A look at the [Census Bureau's website](#) indicates that, presently, not only are non-citizen immigrants (whether legal or illegal) counted in the census, but so are citizens of foreign countries (such as diplomats) living in the United States. Likewise, U.S. citizens living outside the United States who are military personnel or employees of the U.S. government are counted as part of the U.S. overseas population and are not included on any U.S. census questionnaire. Therefore, they are not counted as part of the population of any particular state. U.S. citizens living outside the United States who are not employed by the U.S. government are not counted in the census at all.

If Congress passed legislation to exclude non-citizens from the census, then states with large numbers of such residents would have their representation reduced, as we noted previously. Since this change would benefit Republicans more than Democrats, such legislation would have a difficult time getting through Congress and securing a presidential signature, unless Republicans increase their majority in the Senate to at least 60 votes, and also win the White House.

The second method to change this situation would be via a constitutional amendment specifying that representatives be apportioned among the states, counting the whole number of *U.S. citizens* in each state, instead of the whole number of persons. Given the difficult and lengthy road to amending the Constitution, and the opposition in states certain to lose representation and electoral influence, this path would be even more difficult than the legislative route.

One final consideration: In an article about this topic on October 4, Jazz Shaw, the weekend editor at HotAir.com, wrote: "It's another reason to cast a jaundiced eye on the electoral college."

While this particular situation may slightly favor Democrats when it comes to tallying electoral votes, the price of eliminating the electoral college to remedy it would be too costly to bear. The present system of utilizing electoral votes, instead of popular votes, to elect the president is indicative of the



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Founders' wishes to establish a republican form of government and not a democracy. A cornerstone of that thinking was the Founders' obvious desire to maintain the sovereignty of the states, as is evident in several places in the Constitution. For example, the one thing in the Constitution that can never be amended is that no state can, without its consent, be deprived of equal suffrage (representation) in the Senate. The concept of states' rights is also embodied in the 10th Amendment. And it was for the purpose of preserving the voices of the states and protecting them from "the excesses of democracy" that senators were originally elected by the state legislatures, a practice changed by the 17th Amendment in 1913.

Whatever disadvantages there are to the present system of apportioning the representatives and electoral votes are still less troublesome than any "remedy" that would eliminate the electoral college. Such a move would further transform our American Republic into a democracy, something our Founding Fathers frequently warned against. As just one such example, during the debate at the Constitutional Convention of 1787, Elbridge Gerry, a signer of the Declaration of Independence and a member of the Constitutional Convention, stated:

The evils we experience flow from the excess of democracy.

The people do not want [lack] virtue, but are the dupes of pretended patriots.

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