

U.S. Senator Dianne Feinstein
September 15, 2008

**Opening Statement
Hearing on S. 3308, the Veterans Voting Support Act.**

Election Day is only seven short weeks away. This is a consequential day – and I deeply believe that we need to do everything possible to ensure that the men and women who have fought for our nation – and have been wounded in these battles -- have every opportunity to cast a ballot.

That is why I was so concerned about the positions articulated by the Department of Veteran Affairs earlier this year that appeared to prevent most state election officials and nonpartisan organizations from helping to register veterans at VA hospitals and rehabilitation centers.

I do not believe these wounded warriors – many of whom served our nation bravely in Iraq and Afghanistan – should be forgotten. They should be full voting members of our society.

So I was heartened last week when the VA issued a new Directive that appeared to be a step forward. But serious questions still remain – and the extent to which this new policy will be implemented will be an important focus of this hearing.

I first became involved in this issue in March of 2007, when, in the wake of complaints about the lack of access by voter registration groups, I wrote the VA and requested information on any written policies currently in place. I also urged that the VA agree to be designated as a Voter Registration Agency under the National Voter Registration Act.

The National Voter Registration Act provides a process that allows federal agencies, such as the VA, to provide significant registration support if requested by the

various states. And while many states have requested this – the VA has thus far refused.

But after failing to get an adequate response, I was joined last March by Senator Kerry in asking the VA to establish a written comprehensive policy to ask all veterans in their care if they're registered to vote, and if not, whether they would like to be registered to vote.

On April 25, we received news that the VA had distributed a new nationwide Directive that would create more specific requirements on how the VA would register veterans. The Directive made some modest improvements and we released a statement welcoming these changes. But two days later, the Directive disappeared from the VA's website.

And on May 5, a brand new Directive was released. It added a broad, sweeping, and not previously proposed prohibition on voting registration activities at all VA facilities. It said “due to Hatch Act requirements and to avoid disruptions to facility operations, voter registration drives are not permitted.” No caveats, no exemptions.

From women's suffrage, to the civil rights movement, voter registration groups like the League of Women Voters have gone into communities to ensure that the peoples' voice is heard. We know that those groups as well as the Veterans of Foreign Wars and the American Legion have been active supporters of voter registration for our wounded warriors.

In light of my concern on the impact of this ban, I invited staff from the VA to meet with Senate staffers who had indicated concern about this policy. At this meeting, my staff asked the VA staff if they prohibition included election officials. They stated that if the election officials belonged to a political party—which almost all of them do—then they would also be barred from holding such a drive.

And last July, when Connecticut Secretary Susan Bysiewicz [Bi-seh-witz] was planning on showing veterans how to use new, accessible voting equipment, she was turned away at the door.

She returned at a later point with the state Attorney General, and met a 91 year-old veteran by the name of Martin Oniel. He had served in World War II.

Outside the VA facility, she registered him to vote, and he told her “I wanted to do this last year, but there was no one there to help me.”

We had invited Secretary Bysiewicz to our originally scheduled hearing last week, but due to a scheduling conflict she was not able to make our meeting today.

After consulting with voter registration groups, secretaries of state and veterans groups frustrated by the VA’s policies, Senator Kerry and I introduced S.3308, the Veteran Voting Support Act.

This legislation has received strong support from the Veterans of Foreign Wars, the American Legion, Disabled American Veterans, Paralyzed Veterans of America, the AARP and many others. And I ask that these letters be included in the record.

Three days before our originally scheduled hearing on this legislation, and three weeks prior to the close of voter registration in most states, the VA finally issued their new Directive.

For the changes that they have made, I strongly applaud the leadership at the VA. They have removed the broad prohibition on voter registration drives. They have established a process by which the VA can provide access to election officials and nonpartisan groups, subject to time, place and manner restrictions.

I still have some serious questions.

How quick will your office make the determination that a group is non-partisan?

Will the bureaucracy slow down the American Legion from registering veterans?

Will most veterans that receive service from the VA be affirmatively informed of their right to vote? Or will it just be a few?

Will facilities that provide services for homeless veterans be covered?

We're glad there's a new policy, but if procedures are not written in a policy, something public and transparent that groups and officials can count on, I have concerns.

That is why I introduced the Veteran Voting Support Act. This bill does the following:

- Requires the VA to make voter registration services available at VA facilities in states that request it, in accordance with the National Voter Registration Act. These services include voter registration forms, answers to questions on registration issues and assistance with submitting voter registration forms. Those services are available to veterans using VA facilities.
- Requires the VA to assist veterans at facilities to receive absentee ballots if the veterans choose to vote by absentee.
- Allows nonpartisan groups and election officials to provide nonpartisan voter information and registration services to veterans.
- Requires an annual report to Congress from the Department of Veterans Affairs on progress related to this legislation.

I am pleased to see that the House Administration Committee passed a companion bill out of Committee by a unanimous voice vote.

I thank Representatives Brady and Filner for their work and leadership on this issue.

I look forward to comments today on the new VA Directive – and on the bill that is before this committee.