



Prepared Statement of

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Before the

Committee on Rules and Administration
United States Senate

Hearing on

Voter Registration for Wounded Warriors:
S 3308, “The Veteran Voting Support Act”

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Madame Chairman, Ranking Member Bennett, and members of the Committee, thank you for inviting Veterans for Common Sense to testify.

VCS strongly endorses S 3308, "The Veteran Voting Support Act."

There is a veteran voting rights crisis. As many as 100,000 of our veterans living in VA facilities may not be able to vote in our November 4 election.

Here's the problem. When a veteran moves into a VA facility, the veteran's old registration becomes invalid. The veteran must re-register before he or she can vote again.

On May 5, VA issued a ban on non-partisan voter registration drives at VA facilities. We believe this ban was wrong and unconscionable. VA was blocking the rights of our veterans to register and to vote.

These veterans stood between enemy bullets and our Constitution, yet VA stood between our veterans and their right to vote.

On September 8, VA lifted the ban after Congress and veterans expressed their outrage at this injustice. VA now says it will allow voting assistance for the estimated 100,000 veterans who can no longer vote since they moved into VA facilities

Where do we go from here, now that VA issued a new policy? While we are pleased that VA has changed course, we are not confident that they will follow through, because they have taken no action to date.

First, VA has changed their policy on veteran voting rights three times in the past five months. VA can easily reverse course again and issue yet another policy banning voting assistance for veterans living in VA facilities.

Second, VA can easily fail to implement their new policy. Sadly, VA has a notorious reputation for dragging their feet on a host of issues, such as the growing disability claims backlog fiasco.

We are running out of time. With the election only 50 days away, we must act now.

The best solution for this crisis is for Congress to fix this injustice against the men and women who put themselves in harm's way to protect our freedom by passing S 3308.

Here are four points VCS would like to emphasize about this crisis:

First, even before the bill becomes law, we urge VA to quickly implement their new policy. Our veterans must have the right to participate in the November 4 presidential and congressional elections without delay.

We expect VA leaders to pick up the phone today and call state and local election officials and non-partisan organizations, such as the League of Women Voters. Time is running out. VA must begin voter registration drives immediately.

Second, VA must quickly publicize their new policy using their pre-existing public affairs officers at each VA facility. They need to get the word out in order to reduce the confusion created by VA.

Third, we expect that early voting will be considered part of the absentee balloting process covered by the bill.

Fourth, we encourage Congress to be specific about the information required in the Annual Report described in Section Seven of the bill.

Given VA's poor history of complying with reporting requirements, diligent Congressional oversight is essential.

VCS provides detailed suggestions for VA's reporting requirements in our written statement. When combined, our recommendations should provide Congress with factual data to measure the impact of the bill.

Finally, there are two other issues we would like to raise about the bill.

First, we support VA voter registration outreach for our homeless veterans. According to VA and non-profit groups, there are between 150,000 and 840,000 homeless veterans in America who may be unable to vote because they lack a permanent address.

Second, VA should have a uniform VA-wide policy. Their latest voting policy applies only to the Veterans Health Administration's medical facilities. We believe the law should cover all of VA, including Veterans Benefits Administration facilities. VA should be working with Congress and veterans groups to encourage registration and voting as both a right and a non-partisan civic duty.

In conclusion, VCS strongly believes that Congress must act today to pass "The Veteran Voting Support Act." This bill will restore and protect the voting rights of our veterans living in VA facilities.

This is a critical time — There are only 50 days before the election.

Never again should there be a fight over the fundamental Constitutional right of voting.

We thank Congress, especially Senator Feinstein, for taking aggressive action on this issue.

I would like to ask that our full written statement be entered into the record.

Thank you Madame Chairman. I will be glad to answer your questions.

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Madame Chairman, Ranking Member Bennett, and members of the Committee, thank you for inviting Veterans for Common Sense to testify about our support for veteran voting rights and your outstanding bill, S 3308, "The Veteran Voting Support Act."

Veterans for Common Sense supports this important legislation because it will end the ability of the Department of Veterans Affairs to once again attempt to undermine veteran voting rights, and it will provide much needed Congressional oversight.

We became involved in veteran voting rights this year because we believe every citizen has voting rights. We were alarmed by VA's May 5 attack against veterans' voting rights. VCS viewed VA's recently lifted ban on voting assistance for veterans in VA facilities as an attack against the constitutional voting rights of all citizens.

We are pleased with VA's new September 8 policy memorandum allowing voting assistance for veterans living in VA facilities by state and local elections officials as well as non-partisan organizations. Veteran voter support is critical for our 100,000 veterans living in VA facilities because citizens must re-register whenever they move.

However, we believe VA issued their September 8 policy as a result of Congressional, veteran, and public outrage over VA's May 5 ban on veteran voting assistance. We vigorously opposed VA's ban because we believe it is outrageous to hinder voting rights for the very citizens who stood between enemy bullets and our Constitution.

Congressional Action Remains Imperative

Where do we go from here, now that VA issued a new policy? While we are pleased with VA's new policy, we urge Congress to remain active on this matter because there are two major unresolved issues:

First, VA can easily reverse course again and issue another policy banning voting assistance for veterans in VA facilities. VA has changed their policy on veteran voting rights at least three times in the past five months. Therefore, Veterans for Common Sense urges Congress to quickly pass S 3308, "The Veteran Voter Support Act," in order to stop further VA vacillation. We ask Congress to leave no doubt in the minds of VA or the public that Congress fully supports the voting rights of hundreds of thousands of our hospitalized and homeless veterans.

Second, VA can easily fail to implement their new policy. VA has a notorious reputation for dragging their feet on a host of issues, such as the growing disability claims backlog fiasco at the Veterans Benefits Administration. Therefore, Veterans for Common Sense asks Congress to require VA to quickly implement their new

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policy. We also urge Congress to conduct constant oversight of VA's new policy by insisting that VA live up to the spirit and the intent of their new policy. We are very pleased Senators are holding this hearing today. And we are very pleased that S 3308 requires VA to provide reports about their efforts to provide veterans with voting support.

Congressional Engagement Remains Critical

Veterans for Common Sense wants Congress to remain engaged on this issue because the scope of impact of "The Veteran Voting Support Act" could be in the hundreds of thousands of newly or re-registered veterans. The total veteran population involved could be as high as 100,000 hospitalized veterans plus as many as 200,000 homeless veterans, according to VA's own statistics.

After our review of VA actions and of S 3308, Veterans for Common Sense makes seven recommendations.

First, we ask VA to quickly implement their new policy with minimal disruption to any VA services. We fully understand that the medical needs of patients take priority. We fully expect VA to invite local election officials and non-partisan organizations to begin voter registration drives today so our veterans can participate in the November 4, 2008, Presidential Election. With one phone call to the local registrar, VA officials can quickly determine the number of veterans registered in each VA facility and the scope of the work needed to register veterans living in each VA facility.

Second, we urge Congress to quickly pass S 3308 in order to avoid any confusion about the voting rights of our veterans.

Third, we ask VA to promptly publicize their new policy using their pre-existing public affairs officers at each VA facility. The public has a right to know that VA cares about the voting rights of our veterans and that VA is taking the matter seriously.

Fourth, we support Section Three of S 3308 that requires VA to designate their facilities as falling under the National Voter Registration Act of 1993. We believe there should be a consistent application of Federal voting laws within VA as well as cooperation between VA and election officials. VCS is alarmed by reports about one VA facility in California where only one vote was cast among approximately 400 veterans in 2004.

Fifth, we hope that under Section Four of S 3308, early voting will be considered part of the absentee balloting process. The intent of the bill, as described in Sections Two, Four, and Six, is to encourage increased veteran participation during all stages of the voting process, and we believe this includes early voting where available.

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Sixth, we support the active involvement of non-partisan organizations, as described in Section Five. These groups provide an important source of volunteers in the election process so that VA employees are allowed to continue to focus on their primary duty of providing care to our veterans. Again, we want to emphasize there should be minimal interference with patient care.

Seventh, we encourage Congress to be specific about the information required as part of the Annual Report described in Section Seven of S 3308. VCS recommends that specific details be listed by Congress in a report about this legislation. VA must be guided by Congress to comply with the law by providing Congress and the public with enough salient information so that Congress can provide oversight. When combined, the data items recommended by VCS should provide VA, veterans, Congress, and the public with measurable factual data to analyze about the impact of VA's new veteran voting assistance policy.

In addition, as part of the overall legislative intent of S 3308:

- A. VCS supports VA voter registration outreach for our homeless veterans. According to VA, approximately 154,000 veterans are homeless on any given night. According to the National Coalition for Homeless Veterans, between 529,000 and 840,000 veterans are homeless at one point during the year.
- B. The current VHA policy extends to the Veterans Health Administration (VHA). VCS also believes the Veterans Benefits Administration (VBA) should be included in any implementation plan so that if a veteran visits a VBA regional office, the veteran can be provided with voter registration materials for the states served by that VBA facility. This means that VBA and VHA should cooperate on a uniform VA-wide policy to encourage voter registration and voting among all 24 million living veterans.

Conclusion

In conclusion, VCS strongly believes that Congress must act today to pass “The Veteran Voting Support Act.” This bill will restore and protect the voting rights of our veterans living in VA facilities.

This is a critical time — there are only 50 days before the election.

Never again should there be a fight over the fundamental Constitutional right of voting.

We thank Congress, especially Senator Feinstein, for taking aggressive action on this issue.

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Recommended VA Data Collection for Annual Report

At a minimum, by January 1 of each year, VA should provide:

- A. A list and a count of all VA facilities potentially impacted by this bill.
- B. A list and a count of VA facilities that participated in voter support activities.
- C. A list of the facilities **not** participating in voter support activities, the reasons for their failure to comply, and their plans to implement voter support activities.
- D. A count of the number of veterans who registered at each VA facility, and a total count. For the current year, the count should be from Sep 8, 2008, through Nov. 4, 2008. Counting should be repeated for each year, starting from the day after the last Federal Election and going to the date of the next Federal Election.
- E. A count of the number of veterans who voted at each VA facility, with counts for early voting, absentee voting, and voting in person on Nov. 4, 2008, plus a total count for each type of voting. Counting should be repeated for each year, from the day after the last Federal Election to the date of the next Federal Election.
- F. Rules and regulations about the implementation of protections for veterans' privacy for any data collected during registration and for reporting. This includes copies of training materials prepared or used by VA to implement S 3308.
- G. A list of lessons learned and best practices developed and implemented by VA as a result of the bill. This should be done so that the process can be easily repeated each Federal Election cycle by VA, election officials, and non-profits.
- H. A list and a count of the state, local, and non-partisan groups that assisted veterans and VA. This should be done so that the process can be easily repeated each Federal Election cycle.
- I. VA's compliance with S 3308 will require some VA staff time. VA should collect information about the amount of time spent by VA employees implementing this law. We believe that Congress should allocate sufficient funds to VA for data collection, reporting, and analysis so that no VA medical care or other benefit program has their budget reduced in any manner.

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Recent Chronology Regarding VA's Veteran Voting Assistance Policies

- On March 8, 2007, Senator Dianne Feinstein wrote to then-VA Secretary Jim Nicholson and asked about veterans' voting rights. She specifically wanted to know about VA's voter registration and voting assistance policies, especially since hundreds of thousands of wounded, injured, and ill veterans were returning home from the Iraq and Afghanistan wars. Unfortunately, VA never responded. VA then entered into litigation to block voter registration at VA facilities.
- On March 6, 2008, Senator Feinstein, now joined by Senator John Kerry, wrote to our current VA Secretary, James Peake, again asking for VA to determine what they could do to assist veterans with registering and voting. The Senators provided quotes from the Vietnam Veterans of America and the Paralyzed Veterans of America supporting the need to protect veterans' voting rights.
- On April 25, 2008, VA issued a memorandum, signed by Under Secretary for Health Michael Kussman, authorizing voting assistance in VA facilities. Veterans for Common Sense applauded the move, and we asked for a prompt implementation that would assist veterans with minimal disruption to VA facilities.
- However, in an abrupt reversal, on May 5, 2008, VA's Under Secretary Kussman issued a ban against assisting veterans in VA facilities with registering and voting. VCS promptly condemned VA's move to disenfranchise voters. VA erroneously claimed the Hatch Act prohibited voter assistance by state and local elections officials and by non-partisan non-profit organizations.
- On July 22, 2008, Senator Feinstein, introduced S 3308, "The Veteran Voting Support Act." The bill was quickly co-sponsored by a distinguished list of Senators, including Barack Obama, Charles Schumer, John Kerry, Patty Murray, Harry Reid, Patrick Leahy, Ron Wyden, Evan Bayh, and Christopher Dodd. One week later, VCS wrote Senator Feinstein and strongly endorsed the legislation.
- On July 29, 2008, Representative Robert Brady introduced HR 6625, "The Veteran Voting Support Act." The companion bill now has 55 co-sponsors in the House of Representatives. On July 30, 2008, HR 6625 was reported out by the Committee on House Administration. On August 1, 2008, VCS wrote to Representative Bob Filner, Chairman of the House Veterans' Affairs Committee, endorsing HR 6625.

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- On September 8, 2008, VA changed their policy. VA's current policy is at least the third different policy in the past five months.
- Since March 2008, VCS identified more than 25 news articles and editorials about VA's vacillating policies on veteran voting assistance. All of the editorials called for an end to VA's ban on assisting veterans with registering and voting.

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About Veterans for Common Sense

Veterans for Common Sense is a non-partisan non-profit organization with 13,000 members, and we are based in Washington, DC. VCS was founded in 2002 by Gulf War veterans, and we provide advocacy on issues related to national security, civil liberties, and veterans' benefits.

Biography of Paul Sullivan

Paul Sullivan serves at the Executive Director of Veterans for Common Sense, a non-profit organization based in Washington, DC, focusing on issues related to national security, civil liberties, and veterans' benefits.

He served in Saudi Arabia, Kuwait, and Iraq as a Cavalry Scout with the Army's 1st Armored Division during the 1991 Gulf War.

Paul served on the board of directors of the National Gulf War Resource Center from 1995 to 1997, and as NGWRC's executive director from 1997 to 2000. He was instrumental in providing advocacy for the passage of the "Persian Gulf Veterans Act of 1998," a new law expanding healthcare and disability benefits for Gulf War veterans.

From 2000 to 2006, Paul worked as a project manager at VA, where he led a team of analysts and computer programmers who produced the quarterly Gulf War Veterans Information System report as well as many other statistical and analytical reports related to the Gulf War, Iraq War, Afghanistan War, and PTSD.

While at VA, he provided staff support for then-VA Secretary Anthony Principi's "Task Force for Seamless Transition," and he wrote the 2004 Task Force report.

He graduated from the University of West Georgia with a Bachelor of Arts degree in Political Science, and he received a Master's Certificate in Project Management from George Washington University.

Paul lives near Austin, Texas with his wife and two daughters. In addition to his work at Veterans for Common Sense, he is a life member of both the Veterans of Foreign Wars and the Disabled American Veterans.

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Veterans for Common Sense is a non-profit corporation recognized by the Internal Revenue Service under Section 501(c)3 as a non-profit charity in the District of Columbia, and VCS has not received any Federal grant or contract in the past two years.