

Summary of Opening Statement of John J. Sullivan  
Nominee for Commissioner  
Federal Election Commission

Before the Senate Committee on Rules and Administration  
June 10, 2009

Thank you for the opportunity to appear before you this afternoon as President Obama's nominee to the Federal Election Commission (FEC). I have spent most of my professional life working as an election lawyer fighting to protect the rights of my fellow Americans to register to vote and to freely cast their ballots, and I have also acted as a neutral official or observer in numerous elections, both here and abroad. I know only too well the corrosive effect that cynicism can have on the willingness of citizens to take time out of a day already crowded with the obligations of work and family, to participate in election campaigns and to vote. Nothing can feed that cynicism more than the idea that the system is corrupt, that money counts more than votes, and that the voices of ordinary Americans are being ignored by candidates and elected officials in the debate over important issues. It is the elimination of corruption, and arguably as important, the elimination of the appearance of corruption, which serves as the foundation of our campaign finance laws. In this way, the FEC has the important responsibility of combating that cynicism by fairly enforcing our campaign finance laws.

I believe that the clear articulation of the requirements and protections of the law, and its open and fair enforcement, is vital to the working of our democracy, and should I be confirmed, it would be a great honor to serve as a Commissioner of the FEC.

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Thank you Chairman Schumer, Ranking Member Bennett and the distinguished members of the Senate Committee on Rules and Administration. I am honored to come before you this afternoon as President Obama's nominee to the Federal Election Commission (FEC). Before I talk about the FEC let me tell you a little about myself.

I am the oldest of four children of John and Estelle Sullivan. My parents were born, grew up and started a family in the tenements of East Harlem in New York City. My father left school at the age of 17 to serve his country in World War II. When he returned from the Navy, he got a job as an elevator operator and then as a bank guard at the Morgan Guarantee Trust Company, where he spent the rest of his working life.

My mother, after graduating high school, joined her older sister working in a factory in Manhattan. When the factory closed, she worked at a variety of jobs, including as a toll taker at the Verrazano Narrows Bridge and as a medical transporter at a local hospital.

With my parents' hard work as an example, I worked my way through Catholic high school. I am fortunate to have been the first member of my family to have had the opportunity to attend college. I earned my degree from the University of Massachusetts in Boston, graduating summa cum laude, while working as a school bus driver in the Boston public schools. I then earned my law degree from Northeastern University in Boston.

There is a commitment to hard work and to public service that runs deep in my family. My wife, Sandra Levick, is a public defender in the District of Columbia. My son Ben works as a staff investigator at the public defender's office in New Orleans. My daughter Sarah is a college student. My other family members, some of whom are also present today, include my sisters, niece and sister-in-law who are nurses working in hospitals in New York and on a Navajo reservation in Arizona, my brother, who is a retired New York City police officer, and my nephew, who is a New York City firefighter.

I am presently an Associate General Counsel at SEIU where I am responsible for advising the union's political programs and its election reform and election protection efforts. I have spent most of my professional life working as an election lawyer. I have served as an advocate fighting to protect the rights of my fellow Americans to register to vote and to freely cast their ballots in elections throughout this country, making sure that their votes are fairly and accurately counted. I have also acted as a neutral official or observer in numerous elections, both here and abroad. I was part of an international team of observers that monitored the presidential and parliamentary elections in Ukraine in what is now known as the "Orange Revolution." I

currently serve as the Vice President of the bipartisan Montgomery County Maryland Board of Elections, which is responsible for ensuring fair elections for over half a million registered voters.

The casting of ballots on Election Day is only the last step in the process in which a free people elect their leaders. The public campaigns by candidates, citizens, independent groups and parties in the weeks and months before Election Day is one of the great features of our democracy. It is during this time that candidates and citizens speak out on the important issues of the day and thereby participate in setting the goals and selecting the leaders of our county. Just as the process of voting must be conducted in a fair, open and impartial way to ensure the legitimacy of the system, so too must the period of campaigning be governed by a set of rules, clearly articulated and fairly enforced. It is this latter task, the regulation of the raising and spending of money in federal election campaigns, that falls upon the FEC.

As an election lawyer I work to encourage Americans to participate in the electoral process. I know only too well the corrosive effect that cynicism can have on the willingness of citizens to take time out of a day already crowded with the obligations of work and family, to participate in election campaigns and to vote. Nothing can feed that cynicism more than the idea that the system is corrupt, that money counts more than votes, and that the voices of ordinary Americans are being ignored by candidates and elected officials in the debate over important issues. It is the elimination of corruption, and arguably as important, the elimination of the appearance of corruption, which serves as the foundation of our campaign finance laws. In this way, the FEC has the important responsibility of combating that cynicism by fairly enforcing our campaign finance laws.

By statute, the FEC acts upon the affirmative vote of four of its six members, no more than three of whom can be from any one political party. This six-member structure gives the agency a great advantage: all of its decisions are the product of a bipartisan consensus and none can be fairly viewed as the work of one political party taking advantage of another. Throughout its history the Commissioners have been able to work through differences to resolve the bulk of the enforcement cases and difficult legal issues involving the proper application of the campaign finance laws.

The goal of our campaign finance laws is the elimination of corruption and of the appearance of corruption in our political process in order to ensure free and fair elections. These are my values and I am confident that they are shared by the members of the FEC. There may be disagreements among the Commissioners regarding how best to apply the law. However, as in the past, there remains ample room for the ordinary course of enforcement and for the resolution of difficult issues by the Commission. I would hope that the FEC's Commissioners would build and maintain an effective dialogue and improve their capacity to work out differences constructively. And in all matters that come before the FEC, Commissioners must strive to be clear in their reasoning, impartial in their decisions, and transparent in the process of enforcing the law.

Should I be confirmed, it would be a great honor to serve on the Commission. Thank you for the opportunity to appear before you today. I would be happy to answer any questions.

## JOHN J. SULLIVAN

### EDUCATION

**Northeastern University School of Law, Boston, MA**

J.D. (1981)

**University of Massachusetts, Boston, MA**

B.A., *summa cum laude*, in history (1978)

### LEGAL EXPERIENCE

**Service Employees International Union (SEIU), Washington, D.C.**

(July 1997 to present)

Associate General Counsel. Responsibilities include advising SEIU's officers and political program staff and federal and state political action committees on campaign finance and election-related issues and coordinating the union's election reform/election protection programs.

**International Brotherhood of Teamsters (IBT), Washington, D.C.**

(April 1994 to June 1997)

Associate General Counsel. Responsibilities included internal union election and governance issues and the administration of the election provisions of the 1989 consent decree between the United States and the IBT.

**Guerrieri, Edmond & James, Washington, D.C.**

(June 1989 to August 1990; March 1992 to March 1994)

Associate and partner. Involved in the firm's representation of railway and airline unions in federal court litigation, bankruptcy proceedings and in proceedings before federal administrative agencies.

**Office of the Election Officer, International Brotherhood of Teamsters, Washington, D.C.**

(September 1990 to February 1992)

Election Protest Coordinator and Counsel to the Election Officer. Responsible for supervising investigation and adjudication of protests regarding the election of local union delegates to the 1991 Teamster International Convention and the first direct election of international officers of the 1.1 million member Teamsters union.

**Kirschner, Weinberg & Dempsey, Washington, D.C.**

(June 1984 to June 1989)

Associate in firm which served as the general counsel to American Federation of State, County and Municipal Employees (AFSCME). Responsible for representing AFSCME in litigation and administrative proceedings growing out of state-wide union organizing campaigns in Ohio and Alaska.

**Highsaw & Mahoney, Washington, D.C.**

(October 1981 to May 1984)

Associate in law firm representing railway and airline unions in federal court litigation and administrative agency proceedings.

## **JOHN J. SULLIVAN**

### **OTHER ELECTION LAW EXPERIENCE**

- 2008 Minnesota senatorial election recount: legal observer for Al Franken campaign.
- 2008 presidential primaries: volunteer attorney for Obama for America “Promote the Vote” election protection efforts in Ohio, Pennsylvania and Indiana.
- Member, Town of Somerset, Maryland, Board of Elections. 2008 to present.
- Member and vice president, Montgomery County, Maryland, Board of Elections. 2007 to present.
- 2007 Ukrainian parliamentary election and 2004 Ukrainian presidential election (the “Orange Revolution”): member of National Democratic Institute observer delegations.
- Member, Maryland Governor-elect Martin O’Malley’s transition team workgroup on election reform. 2006 to 2007.
- 2004 Washington gubernatorial election recount: volunteer attorney for Christine Gregoire campaign.
- 2004 presidential election: coordinator of the national SEIU election protection effort.
- 2000 presidential election Florida recount: volunteer attorney for Gore/Lieberman campaign.