THE SECRETARY OF VETERANS AFFAIRS

WASHINGTON

May 19, 2008

The Honorable Debra Bowen
Secretary of State of California
1500 11th Street, 6th Floor
Sacramento, CA 95814

Dear Ms. Bowen:

This is in response to your letter of May 1, 2008, requesting that the Department of Veterans Affairs (VA) designate itself a voter registration agency for purposes of the National Voter Registration Act (NVRA) of 1993. As you indicated, Federal Executive Order 12926 calls upon Federal agencies to agree, if requested by a state, to be designated a voter registration agency. However, an agency's acceptance of this designation is only required to the extent it is "practicable" and consistent with the agency's legal authority and the availability of funds.

Pursuant to the NVRA, Federal voter registration agencies provide states guidance, funding and personnel resources in addition to offering voter services at their facilities. These activities, while extremely important, would require substantial use of VA personnel. Using VA resources in this manner would diminish the agency's ability to fulfill its mission of providing medical care and benefits to veterans. At a time when the nation is at war and seriously injured servicemen and women are returning home daily, anything which detracts from this health care mission would be inappropriate. For this reason, VA respectfully declines your request.

Despite this determination, the agency remains committed to assisting veterans exercise their right to vote. The agency recently issued a new directive which requires each facility to establish written policies and procedures and to post information on voter assistance. I have enclosed a copy of the directive. In addition, it engages VA volunteers to provide assistance to those veterans who request it. We believe this will further aid our patients' ability to vote, particularly those living in VA facilities.

Your concern for veterans is appreciated.

Sincerely yours,

James B. Peake, M.D.

Enclosure

Department of Veterans Affairs
Veterans Health Administration
Washington, DC 20420

VHA DIRECTIVE 2008-025

May 5, 2008

VOTING ASSISTANCE FOR VA PATIENTS

1. PURPOSE: This Veteran Health Administration (VHA) Directive defines the policy for assisting patients who seek information on voter registration and voting.

2. BACKGROUND: VHA is committed to assisting veterans exercise their Constitutional right to vote; longstanding Department of Veterans Affairs (VA) policy ensures patients' assistance and the opportunity to exercise their voting privilege. The right to register and vote is one of the explicit rights set forth in the VA patients' rights regulation at Title 38 Code of Federal Regulations (CFR) § 17.33. Pursuant to this regulation, information about these rights, including the right to vote, is posted at each nursing station, and each patient is provided a copy when they are admitted to a VA facility. This policy establishes a uniform approach to assembling and providing information on voter registration and voting to veterans who request it.

3. POLICY: It is VHA policy to assist patients who seek to exercise their right to register and vote; however, due to Hatch Act (Title 5 United States Code (U.S.C.) §§ 7321-7326) requirements and to avoid disruptions to facility operations, voter registration drives are not permitted.

4. ACTION

a. Veterans Integrated Service Network (VISN) Directors, and facility Directors are responsible for ensuring that each facility has a policy that addresses assistance to VA patients who seek to exercise their right to register and vote.

b. Each facility Director must ensure:

(1) There is a written published policy on voter assistance that addresses the following:

(a) Patients are granted authorized absence for such periods of time as are necessary to register and to vote, subject to the opinions of their healthcare providers.

(b) If patients are unable to leave the facility, assistance is provided for registering and for voting by absentee ballot.

(c) Information on the voting assistance program is posted on inpatient wards, domiciliaries, and nursing homes.

(2) The facility Voluntary Service Officer, or designee is responsible for:

(a) Informing all inpatients or residents of the opportunity to receive voting assistance information. ***NOTE:*** *This also needs to be done when the patient is admitted to the facility.*

(b) Ensuring all VA Voluntary Service (VAVS) personnel (including volunteers), prior to providing any information or assistance to VA patients who seek to register to vote or vote, annually review and sign the attached "Political Activities Fact Sheet and Certification," (VA Form 10-0462) and maintain the completed form in the volunteer's file .

(c) Obtaining and maintaining all materials used to assist with voter registration and voting.

1. As the requirements and procedures for absentee voting vary widely by state and because there is currently no single form that allows a voter in the United States to request an absentee ballot from any and all states, VAVS offices at each facility need access to timely and accurate state voting information.

2. Non-partisan voter resources include the following:

a. National Voter Registration Form is available at: http://www.eac.gov/voter/Register%20to%20Vote and http://www.fabnit.com/nvra-update-09-12-06.pdf),

b. Information is also available at: http://www.usa.gov/Citizen/Topics/Voting/Register.shtml and www.eac.gov.

c. Local, county Government voter registrars.

(3) Any request by an outside organization to facilitate voter registration on VA property is forwarded to local Regional Counsel for review.

5. REFERENCES

a. Title 38 CFR § 17.33.

b. Title 38 CFR § 1.218(a)14.

6. FOLLOW-UP RESPONSIBILITY: The Office of Volunteer Services (10C2) is responsible for the contents of this Directive. Questions may be referred to (202) 461-7300.

7. RESCISSIONS: VHA Directive 2008-023 is rescinded. This VHA Directive expires May 31, 2013.

Michael J. Kussman, MD, MS, MACP
Under Secretary for Health

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ATTACHMENT A

VA FORM 10-0462, POLITICAL ACTIVITIES FACT SHEET AND CERTIFICATION

Below is an embedded copy of Department of Veterans Affairs (VA) Form 10-0462, Political Activities Fact Sheet and Certification. The fillable version of VA Form 10-0462 can be found on the VA Forms internet website http://www/va/gov/vaforms and intranet website http://vaww.va.gov/vaforms .

10-0462-fill.pdf