Susan Bysiewicz
SECRETARY OF THE STATE
CONNECTICUT

For Immediate Release:
July 11, 2008

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- PRESS RELEASE -

CONNECTICUT AND WASHINGTON SECRETARIES OF THE STATE LAUNCH NATIONAL BI-PARTISAN CAMPAIGN TO OVERTURN V.A. BAN ON VOTER REGISTRATION DRIVES

SECRETARIES OF STATE ACROSS THE COUNTRY JOIN BYSIEWICZ AND REED IN ACTION TO PROTECT MILITARY VETERANS' RIGHT TO VOTE

HARTFORD: Connecticut Secretary of the State Susan Bysiewicz (D) and Washington State Secretary of State Sam Reed (R) have launched a national bipartisan effort among Secretaries of State to overturn a May 5th directive prohibiting staff from participating in voter registration drives for patients and residents of hospitals, nursing homes, rehabilitation centers and homeless shelters administered by the federal Veterans Administration.

In a letter to V.A. Secretary James Peake, Bysiewicz and Reed wrote, "As a practical matter, voter registration drives have historically been a critical outreach tool for veterans in facilities to ensure that they get the opportunity to register to vote. Many veterans simply are not able to get out on their own, rendering registration much more difficult. Likewise, the longstanding practice of allowing facility employees to assist veterans in registering to vote has provided valuable assistance to veterans in need."

So far, a bipartisan coalition of 10 Secretaries of State have signed onto the letter, representing states such as Ohio, Minnesota, Vermont, Montana, Connecticut, Rhode Island, New Hampshire, Maine, Kansas, and Washington State(a complete list is attached).

"The practice and policy of banning voter registration drives at veterans facilities is a slap in the face to the people that have served, put their lives on the line and scarified the most for our fundamental freedoms," said Bysiewicz. "It does not matter whether you are a Democrat or a Republican, anyone can see that this policy is wrong and needs to be changed immediately. We are continuing to reach out to our colleagues across the country to raise awareness about this alarming violation of our veterans' rights."

"Our state is holding its Primary Election in just a few weeks, and the November General Election is less than four months away," Reed said. "It's critical that we protect our veterans' right to vote and let their voices be heard through their ballots. It's a sad irony that the federal agency that is supposed to help our nation's veterans all of a sudden isn't very helpful when it comes to allowing them to exercise one of America's basic rights."

Attorney General Richard Blumenthal, in a formal legal opinion released today, said, "In my view, this directive should be withdrawn and revised immediately by the DVA (Department of Veterans Affairs) because it is flawed and unfounded in law and fatally unfair in its restraint on veterans' rights. The DVA directive cited by officials as a reason to constrain voting registration or education is confusing and misleading. Relying on the Hatch Act to limit such efforts is disingenuous and even deceptive. It may chill and discourage legitimate exercise of rights. It is unfounded legally and unjustified as policy. Its main effect is to inhibit veteran voting."

On July 3rd Secretary Bysiewicz and Connecticut Attorney General Richard Blumenthal, wrote to Secretary of Veterans Affairs James B. Peake to request that Secretary Bysiewicz and elections officials be granted access to the facilities for the purposes of distributing voter registration materials and instructing residents on the use of newly-implemented voting machines.

"The Secretary of the State was recently blocked from access by local Veterans Health Administration (VHA) officials, who have subsequently stated that the request remains under review," wrote Blumenthal and Bysiewicz. "We seek your timely assurance within the next 10 days that the Secretary's request and other similar requests by state and local election officials will be granted. Also, as this episode demonstrates, the VHA must clarify its policy to ensure that election officials across the country be permitted to assist our nation's heroes in exercising the very democratic rights that they have sacrificed so much to preserve."

"The Directive should not be construed to bar nonpartisan voter registration and education activities conducted by state and local election officials in furtherance of their official duties, which pose no significant risk of partisanship, disruption or violation of the Hatch Act," Blumenthal and Bysiewicz continued. "To prohibit such access would be detrimental to both veterans and the state and local election officials who seek to assist them, while serving no valid institutional objectives of the VHA."

"We respectfully request that you instruct officials with responsibility for the administration of VHA facilities located in Connecticut that they immediately grant the Secretary's request so that she may provide assistance to veterans without further delay."

On June 30th, Secretary Bysiewicz was joined by Attorney General Blumenthal, veterans and veterans' advocates at the Veterans Affairs Hospital in West Haven to blast the policy, register veterans to vote, and distribute information on the state's new voting machines at the facility. Secretary Bysiewicz was able to register 10 veterans to vote outside the facility Monday afternoon.

On July 2nd, Secretary Reed wrote to Washington State's congressional delegation urging its members to take action to ensure veterans were not denied the right to register to vote. According to Secretary Reed, "Assisting patients with voter registration would not harm the appearance of neutrality and it would not violate the Hatch Act. Assisting veterans would not interfere with patient medical care."

"In addition many veterans who are already registered to vote are at risk of losing this precious constitutional right by not updating their voter registration information…" Reed continued. "Assisting our veterans with voter registration is the least our country can do after all they have scarified for our nation's freedoms."

Nationally, it is estimated that more than 100,000 military veterans live in federal V.A. facilities. The current V.A. ban on voter registration drive contradicts an executive order under the Clinton Administration which designated the V.A. a "motor-voter" agency whose staff were required to assist military veterans in their care register to vote.

Secretaries of State joining the national action:

Susan Bysiewicz (D)	**CT**
Sam Reed (R)	**WA**
Jennifer Brunner (D)	**OH**
Brad Johnson (R)	**MT**
Deb Markowitz (D)	**VT**
Ralph Mollis (D)	**RI**
Mark Ritchie (D)	**MN**
Ron Thornburgh (R)	**KS**
Bill Gardner (D)	**NH**
Matt Dunlap (D)	**ME**

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July 10, 2008

The Honorable James P. Peake
United State Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, D.C. 20420

Dear Secretary Peake:

We, the undersigned, as Chief Elections Officials in our respective states, are writing to urge you to change VHA Directive 2008-025 (May 5, 2008) to allow nonpartisan voter registration drives at federally funded nursing homes, rehabilitation centers and homeless shelters and to allow employees at these facilities to assist veterans in registering to vote.

Title 38 of the Code of Federal Regulations, Section 17.33, provides that no patient in the Department of Veterans Affairs medical care system shall be denied legal rights solely by virtue of being voluntarily admitted or involuntarily committed, including the right to register and vote. As a practical matter, voter registration drives have historically been a critical outreach tool for veterans in facilities to ensure that they get the opportunity to register to vote. Many veterans simply are not able to get out on their own, rendering registration much more difficult. Likewise, the longstanding practice of allowing facility employees to assist veterans in registering to vote has provided valuable assistance to veterans in need.

At this time in our history, as so many brave men and women have stepped forward to defend our country in the "Global War on Terror," it seems only appropriate that we do all we can to help our veterans. We know that you share our concern for America's veterans and our desire to make sure that they are guaranteed the franchise that they have fought so hard to protect for us all.

We thank you in advance for your consideration.

Sincerely,

Susan Bysiewicz
Secretary of the State, Connecticut

Sam Reed
Secretary of State, Washington

Co-signers:
Jennifer Brunner
Secretary of State, Ohio
Brad Johnson
Secretary of State, Montana
Deborah Markowitz
Secretary of State, Vermont

Matt Dunlap
Secretary of State, Maine
Mark Ritchie
Secretary of State, Minnesota
Ron Thornburgh
Secretary of State, Kansas
Bill Gardner
Secretary of State, New Hampshire

United States Senate

July 10, 2008

The Honorable James B. Peake, MD
Secretary of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Dear Secretary Peake,

We are writing to urge you to revise the current directive – VHA Directive 2008-025 – relating to voting assistance for Department of Veterans Affairs' patients. We believe that the Directive's broad prohibition against third-party organizations conducting voter registration drives at VA facilities is both unnecessary and arbitrary and fails to recognize that veterans may need assistance in registering in order to exercise their Constitutional right to vote. We believe that VA should be a proactive facilitator of voter registration by nonpartisan groups, rather than an agency that hinders veterans from participating in the electoral process.

The VHA Directive references "Hatch Act requirements" as one basis for the prohibition on voter registration activities. We do not understand this reference. The Hatch Act, among other things, prohibits federal employees from engaging in political activity on official time or on federal property. This has been interpreted to mean that federal employees are forbidden from participating in a partisan voter registration drive on official time or on federal property. However, the Office of Special Counsel has issued policy statements that federal employees may assist in non-partisan voter registration drives on federal property and on official time without violating the Hatch Act. In addition, the Hatch Act does not prohibit outside groups, partisan or otherwise, from registering voters at a VA facility if federal employees do not participate.

Right before the Fourth of July, Connecticut's Secretary of State Susan Bysiewicz attempted to provide voter information and register residents at a West Haven Veterans Affairs facility. Secretary Bysiewicz was denied entry to the VA facility under the VA's Directive. Instead she sought to register veterans leaving the facility. One such veteran who was registered to vote by the Secretary was Martin Onieal, 92, a World War II veteran. Mr. Onieal told her "There was nobody here to do this last year." That is simply unacceptable.

We recognize and respect the need for VA to guard against any activities that might interfere with carrying out the Department's mission to furnish quality health care services to veterans. However, we are confident that voter registration activity can be permitted that would not impinge on fulfilling that responsibility.

We strongly urge you to revise VHA Directive 2008-025, so as to allow voter registration activity at VA facilities, with appropriate limitations as to time and place for such activities.

Thank you for your consideration of this important request. We look forward to working with you on this and others matters of concern to our Nation's veterans.

Sincerely,

Daniel K. Akaka
U.S. Senator

Dianne Feinstein
U.S. Senator

John Kerry
U.S. Senator

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:

THIS VHA DIRECTIVE EXPIRES MAY 31, 2013

(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