

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.

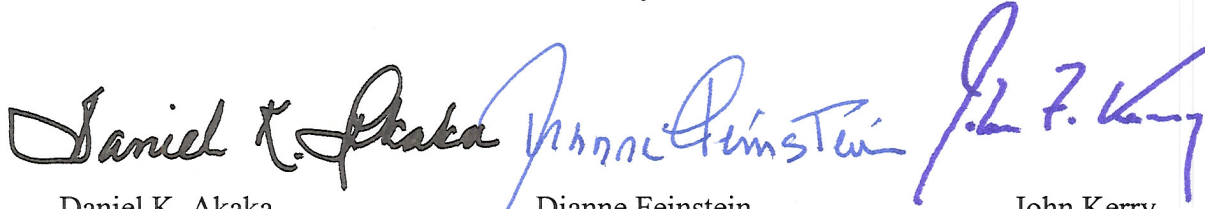
Right before the Fourth of July, Connecticut’s Secretary of State Susan Bysiewicz attempted to provide voter information and register residents at a West Haven Veterans Affairs facility. Secretary Bysiewicz was denied entry to the VA facility under the VA’s Directive. Instead she sought to register veterans 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