



THE SECRETARY OF VETERANS AFFAIRS

WASHINGTON

July 15, 2008

The Honorable Daniel K. Akaka
United States Senate
Washington, DC 20510

Dear Senator Akaka:

This responds to your letter of July 10, 2008, requesting that the agency revise its voting assistance policy. Veterans Health Administration (VHA) Directive 2008-025, "Voting Assistance for VA Patients," is the result of careful deliberation and consideration for the needs and rights of our patients, concerns about disrupting facility operations, and the need to ensure VA is not involved in partisan political activities.

Although VHA directive 2008-025 does not authorize outside organizations to conduct voter registration drives at VA facilities, it permits outside entities or individuals to assist VA with voter registration or voting efforts in support of our veteran patients or residents of our community living centers and domiciliaries when the respective medical center determines such support is needed. To ensure that VA offers these veterans voter registration and voting assistance in a nonpartisan manner and with minimal disruptions to facility operations, we believe it is essential that these efforts be coordinated through the VA Voluntary Service (VAVS) office at each VA medical center.

VA recognizes that election officials at the state and local level are an essential resource for information and procedures regarding elections and voting in a given jurisdiction. The agency is directing each of our Voluntary Service Officers to contact Secretaries of State or chief election officials for voting and educational materials deemed appropriate to assist and inform veterans in regards to voting. To facilitate this process, VA is also providing these officials the VAVS contact at the medical centers in their state. A copy of this correspondence is enclosed.

You correctly note that the Office of Special Counsel has indicated that Federal employees may participate in nonpartisan voter registration drives on Federal property; however, determining whether a drive is partisan or not requires careful consideration of the background and goals of the sponsoring group. Federal employees must make this determination and it is this decision that implicates the Hatch Act. Moreover, the agency is not in a position to examine the agenda, history, and motivations of every organization that may wish to conduct voter registration drives in our facilities.

VA is committed to assisting veterans who request assistance with voter registration and voting. We believe that VHA Directive 2008-25 best serves our patients' needs and further aids our patients' ability to vote, particularly those living in VA facilities. For these reasons, VA's policy will remain the same. A similar letter is being sent to Senators Feinstein and Kerry.

Your concern for veterans is appreciated.

Sincerely yours,

A handwritten signature in black ink, appearing to read "James B. Peake", is written over a horizontal line. The signature is fluid and cursive.

James B. Peake, M.D.

Enclosure



Department of Veterans Affairs
Office of the Chief of Staff

July 15, 2008

Mr. Dwayne Yoshina
Chief Election Director
802 Lehua Avenue
Pearl City, HI 96782

Dear Mr. Yoshina:

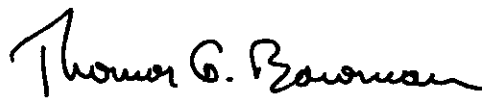
On May 5, 2008, the Veterans Health Administration (VHA) issued directive 2008-025, "Voting Assistance for VA Patients," a copy of which is enclosed. The policy is the result of careful deliberation and consideration for the needs and rights of our patients, concerns about disrupting facility operations, and the need to ensure that the Department of Veterans Affairs (VA) is not involved in partisan political activities. It requires each facility to establish written policies and procedures and to post information on voter registration and voting assistance provided by the VA Medical Center. In addition, it engages VA volunteers to provide assistance to our veteran patients or residents of our community living centers and domiciliaries if they wish to register or exercise their right to vote.

Although VHA directive 2008-025 does not authorize outside organizations to conduct voter registration drives at VA facilities, it permits outside entities or individuals to assist VA with voter registration or voting efforts in support of our veteran patients or residents of our community living centers and domiciliaries when the respective medical center determines such support is needed. To ensure that VA offers these veterans voter registration and voting assistance in a nonpartisan manner and with minimal disruptions to facility operations, we believe it is essential that these efforts be coordinated through the VA Voluntary Service (VAVS) office at each VA medical center.

We recognize that state and local government election offices are experts in the voting process and we welcome your assistance. VA will be directing each of our Voluntary Service Officers to contact your office for voting and educational materials that you deem appropriate to assist or inform veterans in regards to voting. We appreciate your assistance in gathering and providing these materials for our veterans. Enclosed, is the contact information for each VAVS office in your state to help facilitate this process. If you have questions, please contact these VAVS offices. A similar letter has been sent to each of the Secretaries of State or chief election officials.

VA is committed to assisting our veteran patients or residents of our community living centers and domiciliaries who request assistance with voter registration and voting. We look forward to working with you to best serve these veterans.

Sincerely yours,


Thomas G. Bowman
Chief of Staff

Enclosures

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

VHA DIRECTIVE 2008-025

May 5, 2008

(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.

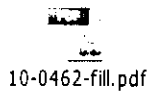
Michael J. Kussman, MD, MS, MACP
Under Secretary for Health

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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> .



VA Voluntary Service (VAVS) personnel, including volunteers, and any other personnel, who provide information or assistance to VA veteran patients on voter registration must abide by the following rules.

- You **MAY** in response to a request:
 - Provide a form or other information to register to vote or to obtain an absentee ballot from the appropriate state.
 - Assist in completing and mailing the form to register to vote or obtain an absentee ballot, or in completing the ballot itself.
 - Direct a veteran patient to the state or local government office or entity responsible for voter registration, for example, State Secretary of State, State Board of Elections.

- You **MAY NOT**:
 - Discuss partisan politics, promote a particular candidate, party or issue, or even express a personal opinion on a candidate, party or issue in response to a question from a patient.
 - Wear any partisan political buttons, pins, or ribbons in a VA facility.
 - Direct persons to any voter registration being conducted by a non-governmental entity, for example a political party, union or special interest group.
 - Except to provide the requested voter registration assistance set forth above, encourage or discourage participation in politics, through activities such as voting, campaigning or fundraising.

CERTIFICATION: I have read and understand what is and is not permissible in connection with my providing voter registration assistance. I understand that the Hatch Act may place other limitations on my ability to engage in partisan political activities and that the above requirements are not intended as an exhaustive list of do's and don'ts under the Hatch Act. I understand that I should address any questions I have on providing voter registration assistance to the local Regional Counsel.

PRINT NAME (*Last, First, Middle Initial*)

SIGN

DATE

Veterans Health Administration Facilities & Voluntary Service Program Managers

HAWAII

City/Facility

Honolulu - Spark M. Matsunaga VAMROC

First Name

Patricia

Last Name

Wieland

Telephone #

(808) 433-0109