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110TH CONGRESS 2d Session | HOUSE OF REPRESENTATIVES | REPT. 110–851 Part 1

VETERAN VOTING SUPPORT ACT

SEPTEMBER 15, 2008.—Ordered to be printed

Mr. BRADY of Pennsylvania, from the Committee on House Administration, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 6625]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 6625) to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

In section 4(2), strike the semicolon and insert the following: ", except that nothing in this paragraph may be construed to waive any requirement under State or local law regarding an individual's eligibility to receive an absentee ballot or vote by absentee ballot in any election;".

VETERAN VOTING SUPPORT ACT OF 2008

PURPOSE OF LEGISLATION

H.R. 6625, the Veteran Voting Support Act, was introduced in response to the Department of Veterans Affairs' voting assistance policy adopted in Directive 2008-025 [1], which denies our veterans the voter registration opportunities and voting assistance they deserve. Despite several meetings and concerns expressed by state election officials, advocacy groups, and congressional members, in-

[1] Please see Appendix A for Directive 2008–025.

cluding this Committee, the Department of Veterans Affairs (VA) refused to change its voting assistance policy. Consequently, this legislation would require the VA to proactively provide voter registration opportunities and enthusiastically assist our veterans with the voting process. H.R. 6625 is co-sponsored by 37 Members of Congress and supported by organizations that represent over six million veterans and hundreds of thousands of concerned citizens.[2]

Our veterans have dedicated their lives to protecting our country and deserve every commitment from the government to offer them the opportunity to participate in the political process. However, it is apparent through the VA's policies and actions that the VA views voter registration and assistance as a hindrance rather than a responsibility. For example, the VA's voting assistance policy only permits voting assistance if requested and restricts opportunities for veterans to become registered to vote. In addition, the VA's refusal to accept the California Secretary of State's request for VA facilities to help assist in registering veterans is unprecedented.[3] The VA should seriously and proactively assist our veterans with the voting process. H.R. 6625 would require the Secretary of Veterans Affairs to permit States to designate VA facilities as voter registration agencies under Section 7 of the National Voter Registration Act. As designated voter registration agencies under Section 7, the VA facilities would be required to regularly offer registration and assist veterans in voting.

Implementation of Directive 2008–025 has created instances where state election officials have been denied the opportunity to educate and assist veterans with the voting process at VA facilities. Specifically, in July of 2008 the Connecticut Secretary of State was denied access to the West Haven Veterans Center to educate veterans about the state's new voting equipment as well as conduct voter registration efforts.[4] This situation is unacceptable as election officials have the expertise and knowledge to assist our veterans in the registration and voting process. These sentiments were also expressed in a July 16, 2008 letter sent by 20 Secretaries of State urging the VA to change its voter assistance policy.[5]

H.R. 6625 will ensure that the very individuals with voting expertise and experience are not denied access to VA facilities. To guarantee that veterans utilizing VA facilities are able to benefit from the expertise of election officials, H.R. 6625 specifically prohibits the Secretary of Veterans Affairs from banning election administration officials from providing voting information to veterans at designated VA facilities. State election officials are responsible for encouraging participation and ensuring integrity in our election system and federal agencies should not undermine these efforts.

H.R. 6625 also addresses the VA prohibition on voter registration drives at VA facilities. By prohibiting non-partisan voter registra-

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[2] H.R. 6625 is supported by the American Legion, Paralyzed Veterans of America, Disabled American Veterans, Veterans of Foreign Wars, Vietnam Veterans Association, American Association of People with Disabilities, Lawyers Committee for Civil Rights Under Law, Brennan Center, DEMOS, Common Cause, People for the American Way, and the NAACP Legal Defense and Educational Fund (LDF). Please see Appendix E for Letters of Support.

[3] James P. Peake, Secretary of Veterans Affairs, letter to Debra Bowen, California Secretary of State, May 19, 2008.

[4] O'Leary, Mary, "State officials protest ban on voter registration at VA facilities," *New Haven Register,* July 1, 2008.

[5] Bysiewicz, Susan, Connecticut Secretary of State, letter to James P. Peake, Secretary of Veterans Affairs, July 16, 2008.

tion drives, the VA overlooks one of the most effective tools in promoting veterans' right to vote. Across the country, millions of voters who historically have not participated in elections have been energized to participate this year through new and innovative registration programs, many of which are conducted by election officials and non-partisan organizations. It is unreasonable to deny veterans these opportunities merely because they reside in VA facilities. Therefore, H.R. 6625 would require the Secretary of Veterans Affairs to allow election officials and non-partisan organizations to provide voter registration and assistance at VA facilities.[6]

The VA has repeatedly objected to voter registration drives under the premise that local VA facilities would have the purportedly burdensome task of determining which organizations are in fact non-partisan and which are partisan. This task has already been accomplished through 26 U.S.C. § 501(c)(3), the registration of non-profit charities under the United States Internal Revenue Code. By allowing 501(c)(3) organizations to conduct registration drives, local VA facilities would not have to investigate whether an organization has a political affiliation. Instead, an organization that has been classified by the United States Government as a 501(c)(3) organization in good standing should be considered non-partisan. The VA can rest assured that if the Internal Revenue Service finds that an organization is violating its status as a 501(c)(3) organization, the proper steps will be taken to remedy the situation; in fact, the draconian consequences of violating 501(c)(3) standards make most non-profits extraordinary careful to avoid such violations. In addition, despite claims made by the VA, the Hatch Act (53 Stat. 1147) does not prohibit federal employees from assisting in voter registration drives, nor does the Hatch Act prohibit federal property from being used for nonpartisan education and registration activities.[7]

H.R. 6625 also requires designated VA facilities to provide absentee voting information, assist veterans in registering as well as voting absentee, and work with election officials to ensure proper delivery of voting materials. These additional requirements are necessary to ensure the VA is proactively assisting our veterans. Furthermore, many veterans using the VA facilities may be disabled and may require additional assistance.[8]

Lastly, the VA has argued that providing voter registration opportunities will disrupt facility operations. We have heard these unsupported arguments before, by critics of the National Voter Registration Act requirements. However, as witnessed through Departments of Motor Vehicles' "motor voter" registrations, agencies can successfully conduct their primary responsibilities and register

[6] H.R. 6625 instructs the Secretary of Veterans Affairs to provide States the ability to designate facilities of the Department of Veterans as voter registration agencies. However, the Committee recognizes the range of VA facilities spans medical centers, outpatient clinics, cemeteries and psychiatric clinics. States are urged to use discretion in the designation of facilities and consider whether a VA cemetery is an appropriate venue to conduct education and outreach. The Committee does not believe it is. Furthermore, reasonable care must be taken by all to ensure that ongoing medical care services at VA facilities are not disrupted. The Committee anticipates that the States will take care regarding this imperative.

[7] "Political Activity and the Federal Employee," *U.S. Office of Special Counsel*, December 2005.

[8] There have been legitimate concerns about the requirement that the VA make available absentee ballots when requested. It should be noted that the VA should not store blank absentee ballots at facilities but rather ensure requested absentee ballots sent by local election offices are made available to inidividuals who request them.

voters as well.[9] In addition, as noted by Ms. Kathy Truss of the Michigan Department of Human Services during the April 1, 2008 Committee on House Administration's Subcommittee on Elections Hearing, "compliance with the National Voter Registration Act is not just another federal mandate; it is a key component for families to act on their own behalf and become part of the public debate."[10] Promoting civic engagement at the Department of Veterans Affairs should not be viewed as a disruption in operations; rather, it is an instrumental component of providing medical and social support services to our veterans.

SECTION-BY-SECTION SUMMARY OF LEGISLATION

Section One—Establishes the short title of this legislation as the "Veteran Voting Support Act"

Section Two: Findings

• Finds that veterans have risked the greatest sacrifice in the name of our country and deserve to be supported by the people and the government of the United States.

• Finds that veterans are especially qualified to understand issues of foreign policy and should be able to voice that understanding through voting.

• Finds that the Department of Veterans Affairs should make every effort to assist veterans in participating in our democracy by helping veterans register and vote.

Section Three—Department of Veterans Affairs facilities as voter registration agencies

• Requires that the Secretary of Veterans Affairs permit states to designate VA facilities as voter registration agencies under Section 7 of the National Voter Registration Act.

Section Four—Assistance with absentee ballots

• Requires VA facilities designated as voter registration agencies to provide voting information, assist veterans in registering as well as voting, and work with election officials to ensure proper delivery of voting materials. Provides that nothing in this act may be construed to waive any requirement under State or local law regarding an individual's eligibility to receive an absentee ballot or vote by absentee ballot.

Section Five—Assistance provided by non-partisan organizations

• Requires that the Secretary of Veterans Affairs allow non-partisan organizations to provide voter registration and assistance at VA facilities.

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[9] It should be noted that of the 36 million voter registration applications processed from 2004–2006, over 50% were received from motor vehicle agencies or other public assistance agencies. *U.S. Election Assistance Commission's "The Impact of the National Voter Registration Act, 2005–2006."*

[10] *Hearing on the National Voter Registration Act, Section 7: The Challenges That Public Assistance Agencies Face.* 110th Congress 2nd Sess. Page 95 (April 1, 2008).

Section Six—Assistance provided by election administration officials

• Prohibits the Secretary of Veterans Affairs from banning election administration officials from providing voting information to veterans at any VA facility.

• Defines 'voting information' as non-partisan information intended for the public about voting, which includes voter registration, voting systems, absentee balloting, polling locations, and other important resources for voters.

Section Seven—Annual report

• Requires the Secretary of Veterans Affairs submit to Congress an annual report on how the Secretary has complied with the requirements of this Act.

COMMITTEE CONSIDERATION OF THE LEGISLATION INTRODUCTION

On July 29, 2008, Mr. Brady of Pennsylvania, along with 37 members of the House, introduced H.R. 6625, which was referred to the Committee on House Administration with an additional referral to the House Veterans' Affairs Committee. On Wednesday, July 30, 2008, the Committee met to mark up H.R. 6625. The Committee ordered H.R. 6625 be favorably reported to the House with an amendment by a voice vote.

MATTERS REQUIRED UNDER THE RULES OF THE HOUSE

COMMITTEE RECORD VOTES

Clause 3(b) of House rule XIII requires that the results of each record vote on an amendment or motion to report, together with the name of those voting for and against, to be printed in the committee report. There were no recorded votes during the consideration of H.R. 6625.

Amendment agreed to by voice vote

Ehlers Amendment #2: This amendment would provide clarification language in Section 4 that nothing in this act may be construed to waive any requirement under State or local law regarding an individual's eligibility to receive an absentee ballot or vote by absentee ballot. The amendment was agreed to by a voice vote.

Amendments not agreed to by voice vote

Ehlers Amendment #1: This amendment would remove the requirement in Section 4 that the Department of Veterans Affairs make absentee ballots available as well as assist veterans in completing absentee ballots. The amendment was not agreed to by a voice vote.

Ehlers Amendment #3: This amendment would remove Section 5 of the legislation, which requires the Secretary of Veterans Affairs to permit non-partisan organizations to provide voter registration and assistance at VA facilities. The amendment was not agreed to by a voice vote.

Ehlers Amendment #4: This amendment would limit the VA facilities that states can designate as voter registration agencies under Section 7 of the National Voter Registration Act to only those in which the Veterans Affairs Voluntary Service does not pro-

vide voter registration assistance. The amendment was not agreed to by a voice vote.

Ehlers Amendment #5: This amendment would limit Section 4 requirements to only inpatient or residential facilities. The amendment was not agreed to by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee states that the findings and recommendations of the Committee, based on the oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

CONSTITUTIONAL AUTHORITY

In compliance with clause 3(d)(1) of rule XIII, the Committee states that Article I, Section 4 of the U.S. Constitution grants Congress the authority to make laws governing the time, place and manner of holding Federal elections.

EARMARK IDENTIFICATION

Pursuant to clause 9 of rule XXI, H.R. 6625 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any committee on a bill or joint resolution to include a committee statement on the extent to which the bill or joint resolution is intended to preempt state or local law. H.R. 6625 is intended to apply in all States and preempt laws to the contrary in their application to Federal elections.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 15, 2008.

Hon. ROBERT A. BRADY,
Chairman, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6625, the Veteran Voting Support Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Dwayne M. Wright.

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

Enclosure.

H.R. 6625—Veteran Voting Support Act

H.R. 6625 would require the Secretary of the Department of Veterans Affairs (VA) to allow states to designate VA facilities as voter registration sites and to provide information and assistance to individuals wishing to register to vote or to cast an absentee ballot. The bill also would permit nonpartisan organizations—such as the League of Women Voters—to provide such information and assistance at VA facilities. CBO estimates that implementing H.R. 6625 would cost less than $500,000 over the 2009–2013 period, subject to appropriation of the necessary amounts. Enacting the bill would not affect direct spending or revenues.

The 1,330 facilities under VA's jurisdiction include Vet Centers, VA Medical Centers, community-based outpatient clinics, regional offices, and cemeteries. Assuming that all but the national cemeteries—about 135 in total—are feasible as voter registration sites, about 1,200 facilities could be used to offer the services that would be required under H.R. 6625.

The materials necessary for voter registration and absentee balloting are prepared by the states. The states also have existing programs to train individuals on compliance with the National Voter Registration Act. Furthermore, VA recently announced plans to use the managers of its Voluntary Services Program (VSP) as site coordinators to direct the efforts of volunteers working to ensure timely delivery of materials and information to individuals needing assistance with voter registration at VA hospitals and clinics. Assuming that VSP managers or current VA employees would be used as site coordinators at other VA facilities, and that most of the work would be done by volunteers, CBO expects that the costs associated with completing those extra duties would be less than $500,000 over the 2009–2013 period.

H.R. 6625 also would require VA to complete annual compliance reports to the Congress outlining its efforts to utilize VA facilities as voter registration sites. CBO estimates that implementing section 7 would cost less than $500,000 over the 2009–2013 period, subject to appropriation of the necessary amounts.

H.R. 6625 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

This estimate was prepared by Dwayne M. Wright. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 6625 makes no changes to existing law.

APPENDICES

Appendix A: Department of Veterans Affairs Directive 2008-025

Appendix B: Correspondence Between Committee on House Administration and the Department of Veterans Affairs

Appendix C: Correspondence Between State Election Officials and the Department of Veterans Affairs

Appendix D: Correspondence Between California Secretary of State and the Department of Veterans Affairs

Appendix E: Letters of Support for H.R. 6625

Appendix F: House Committee on Veterans Affairs Waiver of Consideration

Appendix A

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

DISTRIBUTION CO: E-mailed 5/5/08
FLD: VISN, MA, DO, OC, OCRO, and 200 – E-mailed 5/5/08

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

See next page for the text of this pdf file.

Department of Veterans Affairs

POLITICAL ACTIVITIES FACT SHEET AND CERTIFICATION

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

VA FORM MAY 2008 10-0462

Print Form

Appendix B

Congress of the United States

Washington, D.C. 20515

July 23, 2008

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

Dear Secretary Peake:

Thank you for sending your staff to discuss and clarify the Department's recently adopted voting assistance policy, Directive 2008-025. The meeting was very productive, but we remain deeply concerned about the prohibition against voter registration drives. In addition, recent implementation of the policy raises serious doubts about the Department of Veterans Affairs' dedication to ensuring that veterans are given the opportunity to vote.

As stated in the National Voter Registration Act, 'it is the duty of the Federal, State, and local governments to promote the exercise of the right to vote.'[1] While we are pleased that the Department is committed to helping veterans who request voting assistance, we are greatly disappointed that the current policy excludes voter registration drives. By prohibiting non-partisan voter registration drives, the Department is overlooking one of the most effective tools in promoting veterans' right to vote. Across the country, millions of voters who historically have not participated in elections have been energized to participate this year by new and innovative registration programs, many of which are conducted by non-partisan organizations. Veterans deserve the same registration opportunities as Americans who are not under the care of the Department of Veterans Affairs. They have dedicated their lives to protecting our country and deserve every commitment from the government to offer them the opportunity to participate in the political process.

Directive 2008-025 states that to avoid disruptions to facility operations, voter registration drives are not permitted. We have heard these arguments before from many state public assistance agencies in their opposition to Section 7 requirements of the National Voter Registration Act. However, as noted by Ms. Kathy Truss of the Michigan Department of Human Services during an April 1, 2008 Committee on House Administration hearing, "compliance with the National Voter Registration Act is not just another federal mandate; it is a key component for families to act on their own behalf and become part of the public debate." The Department of Veterans Affairs should recognize that promoting civic engagement should not be viewed as a 'disruption in their operations' but rather an instrumental component of providing medical and social support services to our veterans. In addition, the policy also states that the Hatch Act prohibits voter registration drives. We believe that the Department has misinterpreted the intent and relevant provisions of the Hatch Act. The Office of Special Counsel has made clear that federal employees may assist in voter registration drives and that federal property may be used.[2]

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[1] 42 U.S.C.1973gg
[2] "Political Activity and the Federal Employee," U.S. Office of Special Counsel, December 2005

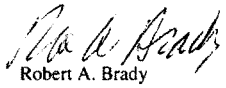
As a result of the meeting with your staff it is our understanding that voter registration drives were also prohibited to prevent local VA facilities from having to determine which organizations are non-partisan and which are partisan. However, this task has already been accomplished through 26 U.S.C. § 501(c)(3), the registration of non-profit charities under the United States Internal Revenue Code. Organizations classified as 501(c)(3) are prohibited from conducting political campaign activities to influence elections to public office. By allowing 501(c)(3) organizations to conduct registration drives, the VA facilities would not have to investigate whether an organization has a political affiliation but rather would permit those already classified by the United States Government as non-partisan.

The Department has made some improvements through Directive 2008-025, but we believe that implementation of this policy remains unclear and may result in confusion. For example, last month in Connecticut, Secretary of State Susan Bysiewicz was not allowed to visit the West Haven Veterans Center to educate veterans on the state's new voting equipment as well conduct voter registration efforts.[3] Although the Director of the VA Connecticut Healthcare System claimed it was a misunderstanding, we believe the Department must take proactive steps to prevent this situation from occurring again. During the meeting between our staffs, it was suggested that the Department of Veteran Affairs reach out directly to state and local election officials to inform election administrators about the Department's voter assistance policy and to provide current contact information for VA volunteer staff responsible for coordinating local VA facility voting assistance efforts. We hope that you will adopt this proposal, which we will remove barriers for election officials to assist our veterans with the voting process.

As Americans are registering to vote in record numbers this year, we hope that the Department of Veterans Affairs reconsiders Directive 2008-025 so that our veterans are not prevented from participating also in this or future federal elections. We encourage the Department to reexamine its reasoning for prohibiting non-partisan organizations to conduct voter registration drives. Finally, we hope that you will contact state and local election officials to inform them of the Department's policy and provide them with the proper departmental contact information.

If you have any questions please do not hesitate to contact Thomas Hicks, Senior Elections Counsel, at 202-225-2061 or Dion Trahan, Professional Staff, at 202-225-9756. Thank you for your attention to this matter and we look forward to your response.

Sincerely,



Robert A. Brady
Chairman
Committee on House Administration

Bob Filner
Chairman
Committee on Veteran Affairs

[3] O'Leary, Mary, "State officials protest ban on voter registration at VA facilities" New Haven Register July 1, 2008

THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

September 11, 2008

The Honorable Robert Brady
Chairman
Committee on House Administration
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Department of Veterans Affairs (VA) is absolutely dedicated to encouraging and assisting our Veterans to register and vote. Our patients' rights regulation, 38 CFR 17.33, guarantees patients in the VA medical system the right to register and vote. In May 2008, the Veterans Health Administration (VHA) issued Directive 2008-025, "Voting Assistance for VA Patients," to specifically and proactively assist residents and inpatients with voter registration and voting. After extensive discussions with Veteran Service Organizations, members of Congress, the National Association of Secretaries of State (NASS), and our constituent veterans, we realized that Directive 2008-025 did not clearly reflect the agency's commitment to voter assistance or the extensive energy VA is dedicating to this important activity. For these reasons we rescinded VHA Directive 2008-025 and issued 2008-053.

Directive 2008-053 clearly outlines the roles of the facility, VA Voluntary Services, nonpartisan groups and election officials in providing voter assistance to veterans. The policy continues to primarily focus on residents of our community living centers, domiciliaries, and patients with limited access to other voter registration and information resources; however, voting information is available to all veterans. In addition, assistance from nonpartisan groups and state/local election officials is explicitly welcomed. As illustrated by this new policy, VA is eager to ensure voting is accessible to every veteran; however, the agency is unable to support H.R. 6625, the "Veteran Voting Support Act."

H.R. 6625 would permit States to designate VA as a voter registration agency and allow election officials as well as nonpartisan groups unprecedented access to facilities to provide voter registration information and assistance to the general voting public. This could disrupt the care and services currently provided in our facilities, and invade the privacy of those veterans seeking care. Further, the goals of this proposed legislation will be achieved through the agency's current policy and initiatives.

Designation as a voter registration agency under the National Voter Registration Act (NVRA) of 1993 (42 USC 1973gg-5) would establish the agency as a voter registration location for the entire eligible voting population in a State. Pursuant to the NVRA, voter registration agencies provide, among other things, assistance with voter registration documents and the transmittal of those documents. H.R. 6625 goes further and would also require that a VA facility designated as a voter registration agency provide information, applications, and ballots for absentee voting as well as assistance completing these documents and ensuring their proper delivery. While we are committed to providing the veterans under our care with any assistance they might need to register to vote – including helping them obtain absentee ballots – H.R. 6625 would require that we provide this service to members of the general public as well. Much of the eligible voting population in a given area would have no connection to veterans receiving VA health care and benefits. Their sole purpose for accessing VA would be for voter registration and voting assistance. The Department opposes using resources that have been designated by Congress for the provision of medical services to veterans in this manner as such activities clearly detract from VA's ability to fulfill its current missions by diverting resources from the very population the Department was established to serve.

Authorizing States to designate VA as a voter registration agency would be another significant departure from the NVRA, which permits Federal agencies to decide whether to take on this responsibility, and would limit the Department's control over the manner in which VA facilities are used. In addition, Section 6 of this bill would give election officials unlimited access to any and all VA facilities to provide voting information to veterans. If passed, this bill would also provide election officials 'reasonable access' to provide voter registration services to any individual, regardless of whether they are a veteran or not. This would establish a competing use for VA facility space beyond the needs of the veterans who rely on that facility to provide them care.

Also of concern is that the bill would not distinguish between the various types of VA facilities which provide a myriad of treatments designed for veterans and their unique circumstances. Many facilities are simply not appropriate locations for any voter registration activities. For example, National Cemeteries endeavor to be places of quiet refuge, contemplation, and dignity. All voter registration activities are inconsistent with that atmosphere and purpose. Similarly, Vet Centers are generally very small facilities that provide readjustment and outreach services to veterans who served in combat zones, including family support services. While we of course would provide our clients at Vet Centers with voter registration assistance, providing voter registration activities to the general public would be highly disruptive to the services offered at these facilities,

which are often of a very sensitive and personal nature. The additional traffic brought to the Vet Centers may also adversely impact the treatment of individual veterans and may discourage others from seeking services. These same concerns are applicable to VA psychiatric facilities. Other facilities, including Community-Based Outpatient Clinics (CBOC), offices in small buildings and those that share space with other Federal agencies or businesses, may lack adequate space for the proposed activities.

H.R. 6625 would also require the Secretary of Veterans Affairs to give nonpartisan organizations a 'meaningful opportunity' to provide voter registration information and assistance at VA facilities. This legislation would not provide VA any discretion over the number or type of nonpartisan organizations that would be permitted to provide these services. Our concern is that VA would have to accommodate every nonpartisan request even if the demand and need from those veterans who use the facility for its actual purpose is dwarfed by the general population who might discover that the local VA is the most convenient place for this information and service. Such accommodation would disrupt the services offered in the facility and detract from VA's ability to fulfill the overall mission of caring for veterans.

This provision also would require a degree of supervision by VA employees to ensure that groups requesting access to a facility to register voters are indeed nonpartisan groups who adhere to the NVRA's requirement that a person providing such assistance not "seek to influence an applicant's political preference or party registration." To the extent a registration drive is aimed at VA facility employees (which, under H.R. 6625, a facility would be required to permit), there are Hatch Act considerations that would need to be addressed as well. This all would divert additional time and personnel resources from the primary mission of the agency. Additionally, depending on the extent and type of access sought, this could have serious implications for patient privacy in hospitals and other treatment centers.

Beyond the agency's specific concerns about H.R. 6625, VA believes the legislation is unnecessary as it is duplicative of policies already in place. VHA Directive 2008-053 requires VA medical and residential facilities to provide our patients and residents all of the voting assistance set forth in H.R. 6625 and the NVRA. The Directive tasks VA's Voluntary Service (VAVS) with providing voting information to our patients and assistance to those patients who request it. Patients are notified of the opportunity for voting assistance when they are admitted to the facility. In addition, information on voting and voter assistance is posted throughout the facility and patients will be periodically reminded of this service, particularly as important voter registration

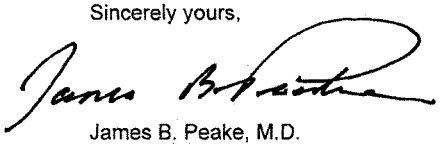
deadlines approach. The policy further embraces the assistance of state and local election officials as well as nonpartisan groups.

VA believes 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. VA has contacted each State's election office about voter assistance and directed each Medical Center to contact these offices to explore specific opportunities to collaborate. The agency also recognizes that many nonpartisan organizations have an expertise in voter registration and welcomes help from these groups when it would not be disruptive of patient care. Assistance from all outside organizations is coordinated through VAVS to limit disruptions to facility operations and ensure the agency remains nonpartisan. To ensure that all these initiatives are fully implemented, VA is actively tracking voter assistance efforts through the VAVS offices. This information is available through VA's Office of Congressional and Legislative Affairs, rendering the reporting requirement of this bill unnecessary.

VA must be able to maintain a place of healing and rehabilitation for veterans seeking services in our hospitals, CBOCs, Vet Centers and offices. In order to provide such an environment, VA must have discretion to determine when and how outside organizations will access and utilize VA facilities and interact with VA patients. This bill would limit that discretion. Further, it would divert budgetary and human resources from VA's critical mission of administering healthcare and other benefit programs for veterans and their families. Conversely, our new Directive and the other initiatives described in this letter assist all veterans to register and vote when they seek care and services from VA's complex, modern healthcare system. For these reasons, VA opposes this legislation.

A similar letter was sent to Congressman Filner, Chairman of the House Committee on Veterans' Affairs.

Sincerely yours,



James B. Peake, M.D.

Appendix C

JUL-16-2008 14:48 409504 P.02/03

Susan Bysiewicz
SECRETARY OF THE STATE
CONNECTICUT

RECEIVED
2008 JUL 16

July 16, 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

STATE CAPITOL, 210 CAPITOL AVENUE, HARTFORD, CT 06106 • (860) 509-6200 • FAX (860) 509-6209

Rel'd 408460

Co-signers:

Brad Johnson
Secretary of State, Montana

Matt Dunlap
Secretary of State, Maine

Ron Thornburgh
Secretary of State, Kansas

William Galvin
Secretary of State, Massachusetts

Robin Carnahan
Secretary of State, Missouri

Ralph Mollis
Secretary of State, Rhode Island

Stephanie Scott
Secretary of the District of Columbia

(SIGNATURE ON FILE)
Betty Ireland
Secretary of State, West Virginia

(SIGNATURE ON FILE)
Bill Gardner
Secretary of State, New Hampshire

Deborah Markowitz
Secretary of State, Vermont

Mark Ritchie
Secretary of State, Minnesota

Trey Grayson
Secretary of State, Kentucky

Michael Mauro
Secretary of State, Iowa

Ben Ysursa
Secretary of State, Idaho

Pedro Cortés
Secretary of State, Pennsylvania

Elaine Marshall
Secretary of State, North Carolina

(SIGNATURE ON FILE)
Jennifer Brunner
Secretary of State, Ohio

(SIGNATURE ON FILE)
Bill Bradbury
Secretary of State, Oregon

Department of Veterans Affairs
Office of the Chief of Staff

July 22, 2008

The Honorable Susan Bysiewicz
Secretary of State of Connecticut
State Capitol
210 Capitol Avenue
Hartford, CT 06106

Dear Madam Secretary:

This is in response to your letter dated July 16, 2008, asking the Department of Veterans Affairs (VA) to change Veterans Health Administration (VHA) directive 2008-025, "Voting Assistance For VA Patients." The Secretary asked me to respond on his behalf.

On July 17, 2008, letters were sent to you and election officials from the other states and territories providing clarification of the directive and contact information for the VA Voluntary Service Officer in your local areas. 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 Office at each VA medical center.

Your concern for veterans is appreciated. A similar response has been sent to the cosigners of your letter.

Sincerely yours,

Thomas G. Bowman

Appendix D

Secretary of State
DEBRA BOWEN
State of California

May 1, 2008

The Honorable James B. Peake
United States Department of Veterans Affairs
810 Vermont Ave NW
Washington, DC 20420

Dear Secretary Peake:

As California's chief elections official, I would like to request that the U.S. Department of Veterans Affairs (VA) designate itself as a "voter registration agency" for purposes of Section 7(a)(3)(B)(ii) of the National Voter Registration Act (NVRA) of 1993.

As you know, federal Executive Order No. 12926, 59 Fed. Reg. 47227 (Sept. 12, 1994) calls on federal agencies to agree, if requested by a state's top elections official, to be designated a "voter registration agency." The designation helps ensure that veterans who receive services from the agency's offices within the state have the opportunity to register to vote.

Offering the opportunity to register – or re-register – is particularly important for veterans who change their address as a result of accepting federal benefits, such as entering a VA nursing home, emergency housing, or rehabilitative care center.

My goal as Secretary of State is to provide voters with a simple and convenient registration process. The NVRA already requires state offices that provide public assistance or services to people with disabilities to offer people a chance to register to vote and assistance in completing the form. It makes sense for federal offices to offer the same opportunity.

Please feel free to contact me, or you may contact Jennie Bretschneider, Assistant Chief Deputy Secretary of State, at (916) 653-7244, if you have questions or need further information. Thank you for your consideration.

Sincerely,

Debra Bowen

Debra Bowen
Secretary of State

DB:elg:lf/jb

1500 11th Street, 6th Floor, Sacramento, CA 95814 (916) 653-7244 www.sos.ca.gov

cc:
The Hon. Dianne Feinstein, Chair, Senate Rules and Administration Committee
The Hon. Bob Bennett, Ranking Member, Senate Rules and Administration Committee
The Hon. Daniel Akaka, Chair, Senate Committee on Veterans' Affairs
The Hon. Richard Burr, Ranking Member, Senate Committee on Veterans' Affairs
The Hon. Robert A. Brady, Chair, Committee On House Administration
The Hon. Vernon Ehlers, Ranking Member, Committee On House Administration
The Hon. Zoe Lofgren, Chair, Subcommittee on Elections
The Hon. Kevin McCarthy, Ranking Member, Subcommittee on Elections
The Hon. Bob Filner, Chair, House Committee on Veterans' Affairs
The Hon. Steve Buyer, Ranking Member, House Committee on Veterans' Affairs
The Hon. Arnold Schwarzenegger, Governor of California
Secretary Thomas Johnson, California Department of Veterans Affairs
The Hon. Fabian Nunez, Speaker, California State Assembly
The Hon. Mary Salas, Chair, California State Assembly Veterans Affairs Committee
The Hon. Bill Maze, Vice-Chair, California State Assembly Veterans Affairs Committee
The Hon. Don Perata, President pro Tempore, California State Senate
The Hon. Mark Wyland, Chair, California State Senate Veterans Affairs Committee
The Hon. Gloria Negrete McLeod, Vice-Chair, California State Senate Veterans Affairs Committee

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

Appendix E

601 E Street, NW
Washington, DC 20049

T 202-434-2277
1-888-OUR-AARP
1-888-687-2277
TTY 1-877-434-7598
www.aarp.org

July 30, 2008

The Honorable Robert Brady
Chairman, Committee on House Administration
1309 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Brady:

On behalf of AARP, we support your veterans voting legislation (H.R. 6625) which seeks to ensure that the nation's veterans have access to opportunities to register to vote, and obtain information and assistance regarding the exercise of the right to vote. AARP believes voting is a basic right for all Americans, and encourages expansion of that right by the removal of barriers that prejudice voting opportunity and access.

This legislation will help ensure that the men and women who have fought for the security of our nation also have the opportunity to participate in our democracy through clarification of the National Voter Registration Act (NVRA) of 1993. We are pleased that the bill would:

- Require the VA to make voter registration services available at VA facilities in states that request it, in accordance with NVRA. Services would include providing voter registration forms, answering questions on registration issues and assisting with submitting voter registration forms.
- Require the VA to assist veterans at facilities to receive and use absentee ballots if they choose to vote absentee.
- Allow non-partisan groups and election officials to provide voter information and registration information to veterans.
- Require an annual report to Congress from the Department of Veterans Affairs on progress related to this legislation.

Since the NVRA requires states to offer voter registration opportunities at all offices that provide public assistance, services to the disabled and at all motor vehicle offices, and also allows federal agencies to provide these voter assistance opportunities, AARP welcomes your leadership and supports this legislation. Please contact me or Larry White (202-434-3813) if you have questions.

Sincerely,

David P. Sloane
Senior Vice President
AARP Government Relations and Advocacy

Jennie Chin Hansen, President
William D. Novelli, Chief Executive Officer

JUL-24-2008 02:13PM FROM-AMERICAN LEGION 2028612785 T-409 P.002/003 F-085

★ WASHINGTON OFFICE ★ 1608 "K" STREET, N.W. ★ WASHINGTON, D.C. 20006-2847 ★
(202) 861-2700 ★ FAX (202) 861-2728 ★

July 25, 2008
46

Honorable Robert A. Brady, Chairman
Committee on House Administration
U.S. House of Representatives
1309 Longworth House Office Building
Washington, DC 20515-6157

Dear Chairman Brady:

On behalf of the 2.7 million members of The American Legion, I am writing to offer our support of your proposed legislation to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, the "Veteran Voting Support Act."

The American Legion has a long standing resolution that encourages **all** Americans to register and vote in all elections. We find it unreasonable to deny veterans the same opportunity to register to vote, therefore denying them the opportunity to participate in the electoral process simply because they are in Department of Veterans Affairs' facilities.

The American Legion, through our nonpartisan "Get Out the Vote" program, welcomes the opportunity to provide voting registration information and assistance to our veterans who are in Department of Veterans Affairs' facilities.

Veterans have dedicated their lives to protecting this country and the right for all citizens to vote. They certainly deserve every commitment from the local, state, and Federal government to offer them each and every opportunity to participate in the political process.

Sincerely,

JOSEPH E. CAOUETTE
Chairman
National Americanism Commission

Cc: Martin F. Conatser, National Commander
Robert W. Spanogle, National Adjutant
Daniel S. Wheeler, Executive Director

John Sommer, Executive Director
Steve Robertson, Director, Legislative Division
Marty Justis, Director, Americanism and Children & Youth Division
Jill Druskis, Deputy Director, Americanism and Children & Youth Division

Dēmos a network for ideas & action

July 30, 2008

U.S. Rep. Robert A. Brady
Chair, Committee on House Administration
U.S. House of Representatives
309 Longworth Building
Washington, DC 20515

Dear Chairman Brady:

I write to express Dēmos' support for H.R. 6625, the "Veteran Voting Support Act", legislation that you introduced on July 29, 2008. The legislation would require the Secretary of Veterans Affairs (VA) to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, in accordance with the National Voter Registration Act, and require the VA to accommodate voter registration assistance by nonpartisan organizations and elections officials.

Dēmos' work shows that the designation of public institutions as voter registration agencies can powerfully expand the franchise, when properly implemented. Over the past several years, we and our partners in the NVRA Implementation Project have worked with state authorities to reestablish and expand voter registration opportunities at public assistance agencies, as required by the NVRA. Registration applications received at those agencies have soared. Tens of thousands of individuals have been newly added to voter rolls in North Carolina, Iowa and elsewhere. We would expect the expansion of voter registration opportunities at VA offices and facilities to affect a similar increase in registration among veterans.

For reasons that are difficult to understand, the Department of Veterans Affairs has in recent months acted to restrict voter registration opportunities for veterans. Secretary Peake declined California Secretary of State Debra Bowen's request that the VA be designated as a voter registration agency in her state. The Veteran Health Administration has promulgated a new directive that unreasonably hinders nonpartisan voter registration efforts at VA facilities by groups like the League of Women Voters.

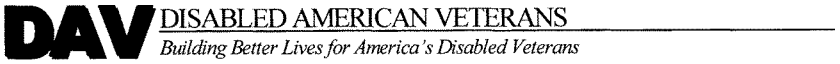
These recent actions do a disservice to the veterans of our armed services, who have been called upon to risk life and limb in the service of our nation. Surely, every effort should be made to assist them in the exercise of the most fundamental right and responsibility of citizenship. The Department of Veterans Affairs should readily accede to designation as a voter registration agency, as authorized under federal law, and welcome nonpartisan initiatives to register veterans at its facilities. H.R. 6625 would accomplish both.

Dēmos extends its strong support for this legislation.

Sincerely,

Miles S. Rapoport
President
Dēmos: A Network for Ideas & Action

info@demos.org | 220 Fifth Ave., 5th Floor, New York, NY 10001 | 212.633.1405 | www.demos.org



July 24, 2008

The Honorable Robert A. Brady, Chair
House Committee on Administration
1309 Longworth House Office Building
Washington, D.C. 20515-6157

Dear Chairman Brady:

On behalf of the 1.3 million members of the Disabled American Veterans (DAV), I take this opportunity to express support for your draft legislation, companion bill to S. 3308, introduced by Senator Feinstein, to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs (VA) to be designated as voter registration agencies.

As you know, throughout the history of America, veterans have fought to defend our freedom. One of the most essential of those freedoms is the right to vote. But now the VA chooses to stand in the way of veterans exercising that same freedom by not allowing state agencies and nonpartisan groups to register veterans to vote at a VA facility.

The commitment of the DAV is solidified through the adoption of a long-standing resolution by our National Convention delegates encouraging disabled veterans to register to vote.

Once again, thank you for introducing this important legislation. I look forward to working with you and your staff to build better lives for America's disabled veterans.

Sincerely,

Joseph A. Violante
JOSEPH A. VIOLANTE
National Legislative Director

JAV:lmb

NATIONAL SERVICE AND LEGISLATIVE HEADQUARTERS ★ 807 MAINE AVENUE, S.W. ★ WASHINGTON, D.C. 20024-2410 ★ PHONE (202) 554-3501 ★ FAX (202) 554-3581

July 30, 2008

Committee on House Administration
United States House of Representatives
Washington, DC 20515

Dear Committee Member:

On behalf of the hundreds of thousands of members of People For the American Way, we write in support of the Veteran Voting Support Act (H.R. 6625).

H.R. 6625 makes sure that all veterans, especially those that due to disability may not be able to leave Department of Veterans Affairs (VA) facilities, are able to register and vote. The bill would enable state election officials to designate VA facilities as voter registration agencies and grant access for those officials and their local counterparts. It would also ensure that nonpartisan organizations get the opportunity to provide on-site registration services and assistance. Additionally, H.R. 6625 provides for information related to absentee applications and ballots.

H.R. 6625 is especially important given recent events. On April 25, 2008, Dr. Michael Kussman, the VA Under Secretary for Health, issued VHA Directive 2008-023: Voting Assistance for VA Patients[i], which allowed nonpartisan organizations access to VA facilities for purposes of voter registration and absentee ballot assistance. Ten days later, Dr. Kussman reversed course and rescinded that access with the issuance of VHA Directive 2008-025.[ii]

Just as it is impossible to ignore the hard fought battles and the countless number of Americans that risked their lives for the right to cast a ballot, it is also impossible to ignore the fact that those who've defended our country currently face needless barriers to exercising that right. People For the American Way urges you to right this wrong by supporting H.R. 6625.

Our goal is simple and should be unquestioned in the United States of America: an electoral system that guarantees every citizen the right to vote and that facilitates rather than frustrates every citizen's ability to cast a vote that is fairly and accurately counted.

Sincerely,

Kathryn Kolbert
President

Tanya Clay House
Director, Public Policy

[i] http://rules.senate.gov/newsroom/PR08/04252008vadirective.pdf
[ii] http://www1.va.gov/vhapublications/ViewPublication.asp?pub_ID=1687

2000 M Street, NW ♦ Suite 400 ♦ Washington, DC 20036
Telephone 202.467.4999 ♦ Fax 202.293.2672 ♦ E-mail pfaw@pfaw.org ♦ Web site http://www.pfaw.org

July 28, 2008

The Honorable Robert A. Brady, Chairman
House Administration Committee
1309 Longworth House Office Building
Washington, DC 20510

Dear Chairman Brady,

On behalf of the Paralyzed Veterans of America (PVA) I want to thank you for introducing the "Veteran Voting Support Act of 2008." This legislation will require the Secretary of the Department of Veterans Affairs (VA) to permit a State to designate facilities of the VA located in such State as voter registration agencies under section 7 of the National Voter Registration Act of 1993 (NVRA). In addition to the duties under Section 7 of NVRA, VA designated facilities shall provide information and assistance in requesting an absentee ballot and working with local election officials to ensure delivery.

As you know, on May 25, 2008, the VA issued directive VHA 2008-025. This directive further defines what VA personnel can and can not do to assist veterans who reside in VA facilities when it comes to registering and voting. Policy requires the veteran to request assistance in voting to initiate action from personnel. "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.) sec. 7321-7326) requirements and to avoid disruptions to facility operations, voter registration drives are not permitted."

Whereas this policy directive is a good first step, PVA believes that your legislation will further help veterans exercise their franchise. Specifically, sec. 5 allows non-partisan organizations to provide voter registration and assistance at VA facilities and sec. 6 allows election administration officials, whether State or local, party affiliated or non-party affiliated, elected or appointed, to provide voting information to veterans at any VA facility.

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. In order for the veteran to make an informed decision, it is imperative that they have up to date information about absentee balloting, registration, and polling location prior to casting a ballot.

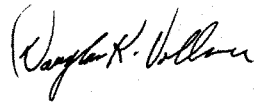
Chartered by the Congress of the United States

801 Eighteenth Street, NW ★ Washington, DC 20006-3517
phone:(202) 872-1300 ★ tdd:(202) 416-7622 ★ fax:(202) 785-4452 ★ www.pva.org

The Honorable Robert A. Brady
Page Two
July 28, 2008

Again thank you for your leadership on this important issue to ensure all veterans who are using the VA facilities have voter access.

Sincerely,



Douglas K. Vollmer
Associate Executive Director
for Government Relations

VETERANS OF FOREIGN WARS OF THE UNITED STATES

July 25, 2008

The Honorable Robert A. Brady
United States House of Representatives
206 Cannon House Office Building
Washington, DC 20515

Dear Congressman Brady:

On behalf of the 2.3 million members of the Veterans of Foreign Wars and our Auxiliaries, I would like to offer our support for your bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies.

This important legislation will ensure that our veterans are given the opportunity to register and vote. Veterans have dedicated their lives to protecting our country and deserve every commitment from the government to offer them the opportunity to participate in the political process.

Congressman Brady, this legislation is a great way to honor and give back to those who have sacrificed so much for our Nation. Thank you for concentrating on the changes that can make all the difference in veterans' lives. The VFW commends you, and we look forward to working with you and your staff to ensure the passage of this important legislation.

Thank you for your continued support for America's veterans.

Sincerely,

DENNIS CULLINAN, Director
National Legislative Service

VFW MEMORIAL BUILDING ● 200 MARYLAND AVE. N.E. ● WASHINGTON, D.C. 20002-5799
AREA CODE 202-543-2239 ● FAX NUMBER 202-543-6719

Appendix F

DEMOCRATS

BOB FILNER, CALIFORNIA, CHAIRMAN
CORRINE BROWN, FLORIDA
VIC SNYDER, ARKANSAS
MICHAEL H. MICHAUD, MAINE
STEPHANIE HERSETH SANDLIN, SOUTH DAKOTA
HARRY E. MITCHELL, ARIZONA
JOHN J. HALL, NEW YORK
PHIL HARE, ILLINOIS
SHELLEY BERKLEY, NEVADA
JOHN T. SALAZAR, COLORADO
CIRO D. RODRIGUEZ, TEXAS
JOE DONNELLY, INDIANA
JERRY McNERNEY, CALIFORNIA
ZACHARY T. SPACE, OHIO
TIMOTHY J. WALZ, MINNESOTA
DONALD J. CAZAYOUX, JR., LOUISIANA

MALCOM A. SHORTER
STAFF DIRECTOR

U.S. House of Representatives

COMMITTEE ON VETERANS' AFFAIRS

ONE HUNDRED TENTH CONGRESS
335 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
http://veterans.house.gov

REPUBLICANS

STEVE BUYER, INDIANA, RANKING
CLIFF STEARNS, FLORIDA
JERRY MORAN, KANSAS
HENRY E. BROWN, JR., SOUTH CAROLINA
JEFF MILLER, FLORIDA
JOHN BOOZMAN, ARKANSAS
GINNY BROWN-WAITE, FLORIDA
MICHAEL R. TURNER, OHIO
BRIAN P. BILBRAY, CALIFORNIA
DOUG LAMBORN, COLORADO
GUS M. BILIRAKIS, FLORIDA
VERN BUCHANAN, FLORIDA
STEVE SCALISE, LOUISIANA

KINGSTON E. SMITH
REPUBLICAN STAFF DIRECTOR
AND CHIEF COUNSEL

September 4, 2008

Honorable Robert A. Brady
Chairman
Committee on House Administration
Room 1309, Longworth Building
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Brady:

In order to expedite consideration of H.R. 6625, the "Veteran Voting Support Act," the Committee on Veterans' Affairs hereby waives consideration of the introduced bill.

The Committee takes this action with the understanding that by forgoing consideration of H.R. 6625, the Committee on Veterans' Affairs does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made.

Sincerely,

BOB FILNER
Chairman

DMT/ds

MINORITY VIEWS

H.R. 6625 VETERAN VOTING SUPPORT ACT (VVSA)

On July 30, 2008, the Committee on House Administration ordered H.R. 6625 reported favorably by voice vote. H.R. 6625 provides for the designation of Veterans Affairs facilities as Voter Registration Agencies under section 7 of the National Voter Registration Act of 1993, establishes additional requirements with respect to the provision of special absentee voting services at such facilities, and prohibits the Secretary of Veterans Affairs from excluding third party voter registration groups from VA facilities even when doing so is in the best interest of the Veterans who use these facilities.

While we laud the Committee for addressing the critical issue of enfranchising those who have served our nation, and we support some of the bill's provisions, we have serious concerns about the breadth of H.R. 6625, and the potential for unintended detrimental consequences. In addition, we are disappointed by the manner in which the Majority introduced this legislation—less than twenty-four hours before bringing it to mark up—which left insufficient time for meaningful reflection and discussion about this important issue and denied the members of this Committee the benefit of receiving testimony from interested parties.

DEPARTMENT OF VETERANS AFFAIRS FACILITES AS VOTER REGISTRATION AGENCIES; SPECIAL ABSENTEE VOTING SERVICES

Section 3 of H.R. 6625 permits a State to designate VA facilities located in that state as voter registration agencies (VRAs) under section 7 of the National Voter Registration Act. Section 4 then imposes upon VA facilities designated as VRAs additional duties with respect to absentee voting services. While we do not categorically oppose the designation of VA facilities as voter registration agencies where a state seeks such designation (provided that in doing so patient care is not compromised), we are concerned about the consequences of burdening VA facilities with additional, potentially redundant obligations.

As a preliminary matter, we note that H.R. 6625 fails to take advantage of the important role of the VA's Voluntary Service (VAVS), one of the largest centralized volunteer programs in the federal government. In order to ensure that veterans receive voter assistance services in a non-partisan manner, with minimal disruption to facility operations, and at the least risk to patients, we believe voter assistance services should be coordinated through the VAVS to the greatest extent practicable. Moreover, under VHA Directive 2008–025, the VA already requires that each facility Director ensure that each facility has a policy addressing assistance to VA patients who seek to exercise their right to register and vote,

including informing all patients of the opportunity to receive voting assistance, and obtaining and maintaining materials used to assist with voter registration and voting.

Second, we are concerned about the special absentee voting services imposed upon VA facilities that are designated as VRAs pursuant to section 3 of H.R. 6625. Under section 7 of the NVRA, which applies to public assistance agencies, public libraries, marriage license bureaus, unemployment compensation offices, military recruiting offices, and voter registration services provided to a person with a disability at the person's home, certain services must be made available: Distribution of voter registration applications, assistance in completing voter registration applications, and acceptance of completed voter registration forms for transmittal to the appropriate office.[1] H.R. 6625 would impose upon VA facilities additional duties relating specifically to absentee voting; however, the Majority has not provided any justification for this special treatment of VA facilities under NVRA. If there are concerns about the adequacy of the services made available at all VRAs, the Committee should investigate this issue before haphazardly imposing additional obligations on VA facilities, especially where such a burden may cause disruptions to facility operations. This is also an example of how the Committee would have benefitted from conducting a hearing on this bill before marking it up.

The Veterans Administration currently operates approximately 155 medical centers, 125 nursing homes, 717 ambulatory care and clinic facilities, 45 residential rehabilitation treatment programs, 209 vet centers, 125 cemeteries, and hundreds of administrative and other offices nationwide. Clearly the voter assistance needs of veterans at these facilities vary. For example, where a resident of a VA facility is unable to vote in person on Election Day for health reasons, it is appropriate and desirable to provide that individual with assistance with absentee voting. However, in other circumstances, it may be duplicative or unnecessary to provide voter assistance above and beyond what is required at all other NVRA section 7 VRAs. Recognizing this distinction, Mr. Ehlers offered an amendment that would limit the scope of the applicability of the special absentee voting provisions to those VA facilities where patients reside; however, this amendment was defeated along party lines.

In addition, we specifically object to requiring the VA to provide "absentee ballots upon request." We believe that those who are eligible to vote absentee under the laws of the state of their residence should be offered absentee voting information and the means to request an absentee ballot. As stated supra, we expect VA facilities to provide their patients with the opportunity to receive registration and voting assistance when needed. However, we have serious concerns about potential conflicts with state law regarding the handling of absentee ballots under this provision, and we question the wisdom and practicability of such a mandate. No other NVRA section 7 VRA is required to keep on hand a stack of absentee ballots. An amendment offered by Mr. Ehlers, which would strike the pro-

[1] 42 U.S.C. § 1973gg–5(a).

vision requiring absentee ballots upon demand, was defeated along partisan lines.

Mr. Ehlers also offered an amendment to section 4, providing that nothing in this bill may be construed to waive any requirement under State or Local law regarding an individual's eligibility to receive an absentee ballot or vote absentee. This amendment, which was adopted by voice vote, illustrates the care which Congress must exercise when legislating in the area of elections, which have traditionally been the province of state and local officials.

THIRD PARTY VOTER REGISTRATION ORGANIZATIONS

Section 5 of H.R. 6625 requires the Secretary of Veterans Affairs to permit certain organizations to provide voter registration information and assistance at any VA facility. Although the Committee on House Administration does not have jurisdiction over this section of the bill (and accordingly we were not able to offer any amendments), we nonetheless strongly object to this section.

Specifically, section 5 provides that the VA "shall permit a meaningful opportunity for nonpartisan organizations to provide voter registration information and assistance" at VA facilities. However, the bill does not define "meaningful opportunity," "voter registration information and assistance," or "nonpartisan organization." Without providing definitions of these key terms, section 5 is overly vague and difficult to apply fairly and consistently. For example, the phrase "meaningful opportunity" means different things to different people, and it would be inexcusable for a Veteran who wishes to convalesce in a private setting to be intruded upon by volunteers from a voter registration group, no matter how well intentioned.

A recent California case illustrates these risks inherent in allowing outside organizations unfettered access to VA facilities and patients, as section 5 of H.R. 6225 provides for:

> In April 2004, the chairman of the Santa Clara County California Democratic Central Committee (SCCDC), Steven Preminger, along with two other individuals, visited a VA facility in Menlo Park, California, intending to register voters. One of the individuals accompanying Mr. Preminger was wearing a "John Kerry" button, and introduced the group as being affiliated with the Democratic Party. When Mr. Preminger and his associates were denied permission to register voters, based on a VA regulation prohibiting partisan activities on VA property, Mr. Preminger sued the Department of Veterans Affairs.
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> In August 2007, a federal court upheld the regulation generally prohibiting partisan activities at VA facilities, holding that "the VA must be able to maintain a place of healing and rehabilitation for the veterans for which it provides services." [2] In August 2008, the United States Court of Appeals for the Ninth Circuit affirmed a lower court decision holding that the Department of Veterans Affairs properly prohibited Mr. Preminger registering voters at the Menlo Park facility and that the VA's application of

[2] Preminger v. Secretary of Veterans Affairs, 517 F.3d 1299 (Fed. Cir. 2008).

> the regulation was reasonable and viewpoint neutral.[3] The Court recognized that the "primary mission" of the VA facility is to provide veterans with needed healthcare, and that "the VA's concern that voter registration drives could compromise its ability to provide health care services to veterans was a reasonable rationale for denying [Preminger's] permission to register voters."[4] And moreover, the court held that the VA "reasonably concluded" that "supervising numerous voter registration campaigns would be difficult and time consuming, diverting resources vital to the residents' treatment."[5]

The grounds upon which the Court relied in upholding the VA's prohibition on partisan voter registration activities at Menlo Park apply equally to any voter registration activities: interference with the provision of healthcare to Veterans, and disruption to facility operations. These concerns do not necessarily reflect a mistrust of the motivations of third party organizations that seek to conduct voter registration activities, or their volunteers, but rather demonstrate a commitment to protecting the health and dignity of our nation's Veterans.

Accordingly, we were troubled that the Majority defeated an amendment offered by Mr. Ehlers that would prohibit the provision of voter registration services where doing so would be detrimental to the health of, or interfere with the provision of other services to any patient or beneficiary.[6]

VETERANS HEALTH ADMINISTRATION DIRECTIVE 2008—053

On September 8, 2008, several weeks after the Committee marked up H.R. 6625, the Secretary of the U.S. Department of Veterans Affairs issued a new directive revising the Department's policy regarding the provision of voter assistance services at VA facilities. Specifically, the new Directive allows state and local election officials and qualified non-partisan organizations some access to VA hospitals and outpatient facilities for the purpose of assisting VA officials in registering voters. The new policy also requires that state and local government officials and outside groups coordinate their voter registration activities with the VA to avoid potential disruptions in critical patient care.

In addition, the Directive mandates each VA facility establish a written policy on voter assistance that addresses the following:

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

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[3] Preminger v. Peake, et al., 2008 WL 3168617 (9th Cir. 2008).

[4] Id., at *5.

[5] Id.

[6] Because of the Committee's lack of jurisdiction over section 5, this amendment, as drafted, would have applied only to section 4. However, we believe these concerns apply to the provision of voter registration services at all VA facilities.

(d) Criteria for evaluating the time, place, and manner of voter registration and voter assistance activities are established.[7]

We applaud the VA's ongoing efforts to ensure that our nation's Veterans are provided voter registration services. Nevertheless, as we expressed during the markup of H.R. 6625, we have serious concerns about allowing third-party groups unfettered access to VA facilities; and accordingly, we are pleased that the Secretary of Veterans Affairs reflected this concern in Directive 2008–053, requiring VA facilities to establish criteria to evaluate appropriate times, places and manners of voter registration activities conducted at their facilities. Likewise, we supported establishing a role for the VA's Voluntary Service (VAVS) in voter registration at VA facilities, and therefore we support the VA's decision to involve the VAVS with implementation of the new voter assistance policy. However, we are not assured that these new policies will be sufficient to address our concerns until we can determine with certainty that the voter registration practices of third party organizations are not conducted in a partisan manner and will not disrupt a facility's ability to provide patient care.

Directive 2008–053 addresses some, but not all of our concerns with H.R. 6625. Nevertheless, at this time it is our sincerest hope that Directive 2008–053 will provide the necessary assistance to Veterans that elect to exercise their right to register to vote. But the real test will come in the implementation of the new policy. And, in the meantime, we see no reason to move forward with H.R. 6625.

CONCLUSION

Nothing is more important than ensuring that every vote is counted, and every eligible citizen is able to cast a ballot. Accordingly, we fully support measures to guarantee that members of the Armed Forces and our nation's Veterans are provided with sufficient information, opportunities, and balloting materials to foster their participation in Federal elections. However, we have serious concerns about the unintended consequences of H.R. 6625, especially any potential harm to the health and dignity of our nation's Veterans.

Finally, while the Majority rushed to mark up H.R. 6625 within twenty-four hours of its introduction in the House of Representatives, they have been unwilling to address the problem of the disenfranchisement of the members of our nation's Armed Forces. Data from the 2004 and 2006 elections reveal that our military service members stationed overseas face substantial obstacles to their participation in elections, including untimely receipt of ballots. Specifically, the U.S. Election Assistance Commission, in a September 2007 UOCAVA Survey, found that, out of the overseas military voters who requested absentee ballots for the 2006 election, only 47.6% of them actually had their ballots cast or counted; and moreover, of the military and overseas absentee ballots that reached election officials, nearly 10% were rejected because they were received after the deadline. Recognizing the need to act on this problem, Rep. Kevin McCarthy introduced the Military Voter

[7] VHA Directive 2008–053.

Protection Act of 2008 (MVP Act), which would provide for the expedited return of completed ballots. In addition, Rep. Roy Blunt introduced H. Con Res. 388, expressing the sense of Congress that the federal government should take certain additional and timely measures to ensure that members of the Armed Forces and their dependents are provided with reasonable information on how to register to vote and vote in the 2008 general elections. Unfortunately, the Majority has refused to act on either of these pieces of legislation. We urge the Majority to consider the voting rights of the members of our Armed Forces as well as our nation's veterans.

VERNON J. EHLERS.
DANIEL E. LUNGREN.
KEVIN MCCARTHY.

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