



July 21st, 2008

Dear Secretary Peake,

We are writing today to express our disappointment with your recent decision not to agree to the designation of the Department of Veterans Affairs (VA) as a voter registration agency for purposes of Section 7 of the National Voter Registration Act (NVRA). We further believe that the Veterans Health Administration erred on May 5, 2008 when it prohibited non-partisan voter registration drives at its medical facilities. We ask that you reconsider and reverse these unfortunate actions.

Our nation's veterans, who have risked their lives in defense of the nation, deserve every chance to exercise the most cherished right of citizenship -- the right to register and vote in this and future elections. The VA can help realize that goal by agreeing to be designated as a voter registration agency, as authorized by the National Voter Registration Act of 1993 (NVRA) and as requested this year by California Secretary of State Debra Bowen and Connecticut Secretary of State Susan Bysiewicz. With such designation, VA offices and facilities would be required to offer voter registration to individuals served there, as currently practiced at public assistance agencies and at offices that provide services to people with disabilities.

As you know, Section 7 of the NVRA directs that "[e]ach State shall designate agencies for the registration of voters in elections for Federal office." 42 U.S.C. § 1973gg-5(a)(1). Federal offices may be so designated, with their agreement. 42 U.S.C. § 1973gg-5(a)(3)(B)(ii). The law also directs that all federal departments "shall, to the greatest extent practicable, cooperate with the states in carrying out [agency-based voter registration]." 42 U.S.C. § 1973gg-5(b). Federal cooperation with these procedures is further compelled by Executive Order 12926, promulgated by President Clinton in 1994. The Executive Order orders federal departments to agree to any request to be designated as a voter registration agency, provided that such a designation is consistent with the department's legal authority and availability of funds. Exec. Order No. 12,926, 59 Fed. Reg. 47,227 (Sept. 12, 1994).

Designation of the VA as a voter registration agency would be clearly consistent with your mission, "To care for him who shall have borne the battle and for his widow and orphan" by functioning "as a single, comprehensive provider of seamless service to the men and women who have served our nation." Moreover, voter registration services can be provided at minimal cost to the VA. Adding voter registration to the comprehensive services already provided by the Department of Veterans Affairs clearly advances the policies and goals set out in the National Voter Registration Act and Executive Order 12926, and properly honors the sacrifices made by the men and woman of our armed services.

Your recent decision to oppose such designation by California Secretary of State Debra Bowen seems to be based on a misunderstanding of federal law. Contrary to the assertions in your letter to Secretary Bowen, the NVRA does not require that the VA, if it is to be designated a voter registration agency, “provide states guidance, funding and personnel resources in addition to offering voter services at their facilities.” These requirements of Executive Order 12926 *would not* apply to the VA because the VA would provide voter registration services itself, rather than through a state agency. Section 7 of the NVRA simply would require the VA to “provide ... the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms....” Thus, the voter registration process for veterans would fit efficiently and easily into the VA’s own processes.

We also fail to understand the reasoning behind Veterans Health Administration Directive 2008-025, prohibiting all voter registration drives at its medical facilities and raising legal barriers to activities by nonpartisan voter registration groups. The VA has taken these actions even though “the right to register and vote” is explicitly protected in its patients’ rights regulation. 38 C.F.R. § 17.33. Each year, dedicated volunteers at Leagues of Women Voters and countless other community groups do a tremendous service to the nation by assisting eligible Americans in registering to vote. These services are vital. Over one-quarter of voting age citizens were unable to cast a ballot in the last presidential election because they had not registered to vote. VHA patients surely figured among them.

Americans who have risked their lives in defense of the nation deserve every opportunity to exercise the most cherished right of citizenship. That goal is clearly served where the Department of Veterans Affairs is designated as a voter registration agency and nonpartisan groups are permitted to offer voter registration to VHS patients. The American people would surely expect that the federal agency designed to serve the needs of our veterans would make every effort to help them register to vote.

Thank you for your attention to this matter.

Jim Dickson, Vice President
The American Association for People with Disabilities

Bob Edgar, President
Common Cause

Miles Rapoport, President
Demos

Mary Wilson, President
The League of Women Voters