

September 8, 2008

## VOTING ASSISTANCE FOR VA PATIENTS

**1. PURPOSE:** This Veterans 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 in exercising their constitutional right to vote; longstanding Department of Veterans Affairs (VA) policy ensures patient 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 in 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 he or she is 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. In particular, this policy aims to assist residents of our community living centers, domiciliaries, and patients with limited access to other voter registration and information resources. Help from state and local election officials, as well as nonpartisan groups, is also welcome; however, all assistance must be coordinated with the facility to avoid disruptions and ensure consistency with 38 CFR 1.218(a)(14).

### 4. ACTION

a. VHA Chief Officers, 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 that:

(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 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.

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

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(e) Procedures for coordinating offers of assistance in providing voter registration and voter assistance from state and local governments and nonpartisan organizations and for consulting with Regional Counsel regarding determining the nonpartisan character of groups offering such assistance.

(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. *NOTE: In addition to the prohibition on partisan activity at VA facilities imposed by 38 CFR 1.218(a)(14), VA personnel must also be mindful of the Hatch Act's (5 U.S.C. 7321 – 7326) restrictions on the partisan political activities of Federal employees.*

(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 or 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 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](http://www.eac.gov);

c. State, local, and county government Election Officials/Voter Registrars, and

d. Nonpartisan organizations with an expertise in voter registration.

(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).

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**6. FOLLOW-UP RESPONSIBILITY:** The Office of Voluntary Services (10C2) is responsible for the contents of this Directive. Questions may be referred to (202) 461-7300.

**7. RESCISSIONS:** VHA Directive 2008-025 is rescinded. This VHA Directive expires September 30, 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**



10-0462-fill\_9\_8.pdf

This form is available on the VA Forms websites.

Internet - <http://www.va.gov/vaforms>

Intranet - <http://vaww.va.gov/vaforms>