



July 21st, 2008

Dear Counsel Kennedy,

We write to ask your support for expanding opportunities for our nation's veterans to register and vote in this and future elections. Americans who have risked their lives in defense of the nation deserve every chance to exercise the most cherished right of citizenship.

As organizations dedicated to increasing political participation among our nation's citizens, we have been dismayed by the recent actions of U.S. Department of Veterans Affairs (VA) Secretary Peake and the resulting obstacles faced by veterans in registering to vote. California Secretary of State Debra Bowen recently sought to designate VA offices and facilities in her state as voter registration agencies, as authorized by the NVRA. VA Secretary Peake refused to agree. Such designation would have required the VA to offer voter registration to individuals served in their offices and facilities. Connecticut Secretary of State Susan Bysiewicz made a similar request for VA designation on July 2, 2008.

The Veterans Health Administration, which is part of the VA, has also taken steps to impede veteran voter registration. Directive 2008-025, issued on May 5, 2008, prohibits all voter registration drives at its medical facilities and raises legal barriers to activities by nonpartisan voter registration groups like the League of Women Voters. 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.

We are asking chief elections officials around the country to designate the VA as a voter registration agency in their states, as authorized by the National Voter Registration Act of 1993 and Executive Order 12926, promulgated by President Clinton in 1994.

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, which directs 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 its 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"), and could be accomplished at minimal cost.

Your state is of course exempt from the NVRA because of its adoption of Election Day Registration. We nevertheless ask that you join with other state elections officials and publicly call on the Department of Veterans Affairs to reverse its recent actions and accept designation as a voter registration agency, when so requested, and accommodate nonpartisan efforts to register eligible voters at its offices and facilities. In addition, we respectfully request that you undertake whatever efforts are available to you to ensure voter registration at VA sites in your state. 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 exercise the most fundamental right of citizenship.

Thank you for your attention to this matter.

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

Bob Edgar, President
Common Cause

Jay Heck, Executive Director
Common Cause Wisconsin

Miles Rapoport, President
Demos

Mary Wilson, President
The League of Women Voters

Melanie G. Ramey, President
The League of Women Voters of Wisconsin

cc: enclosure