

Military Heroes Initiative

Grant # E4064914

U.S. Election Assistance Commission

Task 2 Report

Assessing Election Administration Processes

For Injured Service Members

March 25, 2012



EXECUTIVE SUMMARY

The Military Heroes Initiative (MHI) is a research project with the objective of increasing the accessibility of voting technology and processes for military service members who have sustained disabling injuries during the Global War on Terrorism (from October 2001 to the present). The MHI target population consists of civilian veterans with a disability evaluation rating of 30% or greater. In particular, this research focuses on the subset of this population whose disabilities interfere with the independent performance of the tasks associated with registration and voting.

This report provides an assessment of the election administration processes pertaining to registration and voting for disabled veterans in the State of Georgia. As part of our research, we have reviewed the Georgia election code, administrative rules, and other relevant documentation. We also met with the Georgia Secretary of State's staff, including, but not limited to, the Director of Elections, Assistant Director of Elections, the Voter Services Manager, and local election officials in jurisdictions where various veteran's hospitals are located. Finally, we met with administrators and staff at the VA Medical Centers and military hospitals in the state.

Disabled veterans in Georgia receive the same types of voting assistance and accommodations that are provided to any other disabled elector. For example, Georgia offers no-excuse absentee voting for all voters. For in-person voting, voters with disabilities can use poll place accommodations including accessible touch screen voting systems, audio ballots, and magnifying glasses. The Secretary of State maintains a website to address disability related concerns and requires poll workers to receive accessibility-related training. However, there is currently no program that is designed to deal with the unique needs of disabled veterans. There is also no formal relationship between VA medical facilities in Georgia and corresponding local election officials. We believe that better communication and coordination between the VA medical facilities and local election officials would provide higher-quality voting assistance to disabled veterans.

TABLE OF CONTENTS

I. Background Information..... 4

 A. General Overview of the State of Georgia 4

 B. Military Installations and Veterans Administration Facilities..... 4

 C. Estimating the Size of the Veteran Population..... 5

II. The Georgia Electoral Framework..... 6

 A. State-Level Administration 7

 Voter Registration..... 7

 Voting Systems..... 7

 B. County-Level Administration..... 8

 C. Citizen Participation 9

III. Election Administration Procedures Pertaining to Voters with Disabilities..... 9

 A. Voter Registration 10

 B. Voting..... 10

 Voting at the Polling Place 10

 In-Person Voting Assistance 11

 Assistance for Absentee Voting by Mail..... 11

 C. Specific Procedures for Nursing Homes 12

IV. The Current State of Voting Services in Georgia within the VA System 12

V. Conclusion 13

Appendix 1: VHA Directive 2008-053..... 15

I. Background Information

This report provides an overview of the election administration processes pertaining to registration and voting for disabled veterans in the State of Georgia. As part of our research, we have reviewed the Georgia election code, administrative rules, and other relevant documentation. We also met with the Georgia Secretary of State's staff, including but not limited to the Director of Elections, Assistant Director of Elections, the Voter Services Manager, and local election officials in jurisdictions where various veteran's hospitals are located. Finally, we met with administrators and staff at the VA Medical Centers and military hospitals in the state.

The following section provides a brief synopsis of Georgia including the basic structure of state government, military and VA facilities, and the size and characteristics of the veteran population residing within the state.

A. General Overview of the State of Georgia

Georgia consists of 159 counties, more than any other state except Texas. From 2007 to 2008, 14 of Georgia's counties ranked among the nation's 100 fastest growing counties, second only to Texas. Atlanta is the capitol and the most populous city. While Georgia is ranked as 24th in land mass, it is ranked 9th in population with a total of approximately 9.7 million residents.

The Georgia system of government is like that of many other U.S. states, with a plural executive. Among the constitutional officers elected is a Secretary of State, responsible for administering elections in Georgia, who is chosen by the voters in a partisan election. The Secretary of State serves a four-year term and there is currently no term limit associated with this office.

Legislative authority resides in the General Assembly, composed of the Senate and House of Representatives. There are 56 senators and 180 representatives, whose terms of office are two years. Georgia has a non-professional legislature which meets in limited session (40 days) annually.

B. Military Installations and Veterans Administration Facilities

The state has four large military installations: Fort Stewart, Fort Benning, Kings Bay Submarine Base, and Robbins Air Force Base. Currently figures indicate a total of 74,000 active duty military personnel stationed in Georgia and 29,000 guard and reserve personnel. On this metric Georgia ranks fourth behind California, Texas, and North Carolina.¹

The Veterans Administration provides care at more than 1,400 sites throughout the country and is organized in twenty-three regional organizations designated as Veterans Integrated Service Networks. The VA Medical Centers in Georgia are in Veterans Integrated Service Network 7, the VA Southeast Network. In addition to the VA Medical Centers, there is a network of thirteen outpatient clinics located throughout the state. The locations of the three major VA medical

¹ 2012 Statistical Abstract. Table 509. "Military Personnel on Active Duty by Location," U.S. Census Bureau, http://www.census.gov/compendia/statab/cats/national_security_veterans_affairs/military_personnel_and_expenditu res.html.

facilities and the three major military hospitals in Georgia are: VA Medical Center (Decatur), the Carl Vinson VA Medical Center (Dublin), the Charlie Norwood VA Medical Center (Augusta), the Martin Army Community Hospital at Fort Benning (Columbus), the Winn Army Community Hospital at Fort Stewart (Savannah), and the Eisenhower Army Medical Center at Fort Gordon (Augusta).²

C. Estimating the Size of the Veteran Population

The Department of Veterans Affairs has not made publicly available detailed statistics on the veteran population by period of service, disability, and state of residence. Instead, we have created an estimate of the disabled veteran population in Georgia using data from the U.S. Census Bureau. More specifically, we were able to obtain and analyze the individual-level data for the 2008 American Community Survey. This dataset allowed us to isolate veterans by state of residence, period of service, and disability status simultaneously.³

The Georgia Department of Veterans Service estimates the total number of veterans in Georgia to be approximately 774,000. Broken down by period of service estimates are that 91,000 of Georgia's veterans served in the Global War on Terrorism (defined as the time period beginning in October of 2001 to the present).⁴ In percentage terms, 11.7% of the total veteran population in Georgia has served since October of 2001.

If we further differentiate veterans from this period of service based on the presence of a disability, we find that an estimated 23.5% of this group (approximately 21,000) report a service-connected disability. Finally, of those with a service-connected disability it is estimated that 52.3% (approximately 11,143) have a disability rating of 30% or greater. A disability rating of 30% or greater means that a service member may qualify for disability retirement pay from the military.⁵

A detailed compilation of the estimates that were collected or calculated are presented in Table 1.

² U.S. Department of Veterans Affairs listing of military and VA hospitals in Georgia.

³ Using the 2008 American Community Survey from the Census Bureau we were able to produce estimates of the veteran population within the State of Georgia by period of service, presence of service-connected disability, and extent of disability. Using the included indicators allowed us to isolate veterans from the Global War on Terror period of service residing in Georgia. We next produced a series of contingency tables that cross-tabulated the percentage of these veterans who 1) had a service-related disability and 2) for those who did indicate a service-connected disability we were further able to categorize the extent of stated disability using the standard VA rating system. The calculations presented are not weighted.

⁴ Both the Department of Veterans Affairs and the Census Bureau use the "Gulf War" period of service to classify veterans involved in what this report terms the Global War on Terrorism which primarily encompasses the conflicts in Afghanistan and Iraq. The "Gulf War" service period is divided into two distinct time periods, the first spanning August of 1990 to August of 2001 and the second beginning in September of 2001 and continuing through to the present. To maintain consistency with existing government terminology the statistics presented utilize the second half of the Gulf War period of service to represent the disabled veterans who are the focus of this report.

⁵ "Qualifying for a Disability Retirement," Defense Finance and Accounting Service, February 9, 2012, <http://www.dfas.mil/retiredmilitary/disability/disability.html>.

Table 1. Estimates of the Veteran Population in Georgia

	Estimates	Percentages
Total Veteran Population	773,858 ⁶	----
		% of Total Veterans
Global War on Terrorism- Service Period (2001-2011)	90,842 ⁷	11.7%
		% of War on Terrorism Veterans
Service-Connected Disability ⁸	21,320	23.5%
		% of Disabled War on Terrorism Veterans
Disability Rating ⁹		
0%	643	3.0%
10-20%	7,130	33.4%
30-40%	4,673	21.9%
50-60%	2,938	13.8%
70-100%	3,532	16.5%
Not Reported/ Unknown	2,404	----
30-100%	11,143	52.3%

II. The Georgia Electoral Framework

In order to adequately provide services to disabled veterans residing within Georgia it is necessary to understand the setup of the state's election bureaucracy. The following section details the structure and functions of the election bureaucracy within the State of Georgia.

⁶ Georgia Department of Veterans Service, 2010 Annual Report. VA Statistical Data Table. January 31, 2011.

⁷ U.S. Census Bureau. American Community Survey. 2010.

⁸ Calculations from 2008 American Community Survey, U.S. Census Bureau.

⁹ Ibid.

A. State-Level Administration

The constitutional office charged with the conduct of elections falls to the Secretary of State who is an elected executive branch official. In addition, Georgia has a State Election Board (SEB) which is the administrative agency in Georgia with authority over election-related matters. The SEB is composed of the Secretary of State who serves as chair, one member elected by a majority vote of the Senate, one member elected by the House of Representatives, and one member each from the Republican and Democratic Parties. The Board creates and enforces rules pertaining to the conduct of elections. In addition, the SEB investigates allegations of fraud and irregularities in the conduct of elections. If violations occur, they are reported to either the State Attorney General or the appropriate district attorney. Recommendations regarding the conduct of primary and general elections are also formulated by this body and forwarded to the General Assembly.¹⁰

Voter Registration

Georgia has a statewide voter registration system, in which county officials have direct access to a centralized database managed by the Secretary of State. County election officials review and enter information from voter registration forms received in their jurisdictions into the statewide system. Forms received by the Secretary of State's office are sent daily to the appropriate county election official for review and entry. The Department of Driver Services ("DDS") provides the option of voter registration when a person applies for a driver's license. DDS enters voter registration information into a separate database; these electronic records are then sent to the Secretary of State's office to be merged into the statewide voter registration database. The DDS also sends hard copies of the submitted registration forms to the Secretary of State's office; these applications are forwarded to the appropriate county office. In 2011, the Georgia Secretary of State announced that the state's voter registration system would be replaced with a more modern, web-based system by 2013.¹¹

Voting Systems

The State of Georgia replaced the various voting systems utilized by counties (i.e., paper ballots, punch cards, lever machines, and optical scan devices) with a uniform system in 2002. All counties now use the Diebold TSX Direct Recording Electronic (DRE) model for all votes cast in-person. With 159 counties each functioning as separate administrative units, the Elections Division of the Secretary of State's Office needed assistance in overseeing the deployment and administration of the statewide system. The Center for Election Systems at Kennesaw State University (KSU) was created to fill this role and to provide ongoing system support. The Center works closely with the Elections Division, the county election superintendents, and the voting system vendor to facilitate successful elections. The Center's staff oversees the implementation

¹⁰ See www.sos.ga.gov/elections/state_election_board/default.htm for more information on the SEB.

¹¹ "Secretary of State Kemp Announces Contract for New Voter Registration System," Georgia Secretary of State, October 2, 2011, <http://www.sos.ga.gov/pressrel/elections/20111007Secretary%20of%20State%20Kemp%20Announces%20Contract%20for%20New%20Voter%20Registration%20System.htm>.

and maintenance of voting equipment and e-poll books, provides training to local election officials, and assists counties and municipalities in the construction of ballots. The Center is charged with producing and reviewing all ballots to be employed by any voting jurisdiction throughout the state. In addition, the Center performs certification and acceptance testing for all voting system components and develops standard procedures for the operation of voting systems statewide. As of November 2010, the State of Georgia has conducted over 4,000 elections using the uniform DRE system first deployed in 2002.¹²

B. County-Level Administration

The General Assembly, via local legislation, creates county boards of elections and empowers these entities to conduct primary and general elections.¹³ The General Assembly may also create county boards of registrations whose duties involve the registration of voters and absentee balloting procedures. Local legislation may also request that a combined board of registrations and elections be created, combining the duties and functions of both boards. Of 159 counties, exactly 100 have a combined board of registrations and elections. Those counties that do not utilize a combined board are governed by a board of registrations, with elections being administered by the county probate judge (who is an elected official).

The number of members on a board, the manner in which they are appointed, and their terms of office are set out in the local legislation creating such boards. Thus, there are no statewide uniforms or standards. At a minimum, the number of board members required is three. Local legislation sets the process by which voter registrars and election directors are appointed, except in the case of the elected probate judges. Local boards of elections and registrations operate independently from the state election offices in accordance with Georgia Election Code.¹⁴

In order to function properly local election officials must have a working knowledge of the following in addition to the Georgia Election Code: State Election Board Rules and Regulations, the Georgia Constitution, the Recall Act of 1989, the Ethics in Government Act, the Help America Vote Act, the 1965 Voting Rights Act, City Charters, National Voter Registration Act (Combined Boards), and numerous other annotated codes and local legislative acts for county officers.¹⁵

With the complexity of the elections process, Official Code of Georgia (O.C.G.A.) 21-2-101 requires chief registrars to become certified through a program approved by the Secretary of State. A Georgia Secretary of State elections training manager maintains a set of electronic resources for Georgia election officials. Materials provided include a master election calendar, legislative updates, training materials and best practices from election officials throughout the

¹² See <http://elections.kennesaw.edu> for more information on the Center for Election Systems.

¹³ In Georgia there is limited home rule for local governments and the General Assembly is allowed to adopt *local laws* which are jurisdiction-specific (i.e. to a specific county or municipality), as opposed to general laws which would apply in a uniform manner statewide (i.e. to all counties within the state).

¹⁴ Georgia Election Code Annotated 2010 Edition. Sections 21-2-40, 21-2-45.

¹⁵ O.C.G.A. Code 21-2-70 lists the powers and duties of the county or municipal superintendent.

state. This is an excellent resource for local election officials throughout the state, especially given the uniform standards that have been implemented related to voting systems and the statewide voter registration database.

C. Citizen Participation

According to the 2010 Census the citizen voting age population is estimated to be 6.7 million.¹⁶ As of November 2010, the Georgia Secretary of State Elections Division showed a total of 5.795 million registrants on the voter rolls. Of these, 5.03 million or 86.9% are classified as active registrants.¹⁷ Turnout from the last two election cycles shows that 52.1% of registrants voted in the 2010 general and 75.7% voted in the 2008 presidential election.¹⁸

III. Election Administration Procedures Pertaining to Voters with Disabilities

The Office of the Secretary of State of Georgia is responsible for making elections accessible to any Georgians with disabilities, which includes disabled veterans. There are numerous times during the voting process that a voter may request assistance. The specific laws addressing how assistance may be provided are found in the Georgia Election Code and Rules of the State Election Board. “Assistance” with respect to registering and voting refers to the act of marking a voter registration application, application for absentee ballot, or ballot on behalf of another person who is unable to read the English language or has a disability which renders such person unable to see or mark these documents. Assistance can also include accompanying the voter into the voting booth, marking, and casting their ballot in the manner personally requested and communicated by the voter. No person may receive assistance in any part of the voting process unless he or she is illiterate, unable to read the English language, or has a physical disability which renders such person unable to perform the required task without being assisted. A person assisting the individual with a particular voting task must be specifically identified as eligible to assist with that task and sign and/or identify themselves in the manner required under Section 21-2-409 of the Georgia Election Code.

The Secretary of State maintains a website to provide information related to registration and voting for people with disabilities.¹⁹ The site has been designed to meet Federal Section 508 standards, and it is accessible through mobile devices.

¹⁶ 2010 American Community Survey. Table B05003. “Sex by Age by Citizenship Status.”

¹⁷ Electors on Georgia’s registration rolls are shown as either active or inactive. A registered voter is placed on inactive status, if he does not vote or make any type of contact with the elections office within two General Election cycles. An elector remains on the inactive list of voters until the day after the second General Election after being placed there. If there has been no contact by the elector in that period, they are removed from the inactive list of electors. It is the responsibility of the local board of registrations to remove an elector from the voter roll. Removal procedures include notice to the voter and documentation pursuant to the list maintenance requirements of the National Voter Registration Act of 1993. Source: Georgia Election Code Annotated 2010 Edition (Sections 21-2-210 to 21-2-336).

¹⁸ Georgia Secretary of State. “General Election Voting History, 2008 and 2010.”

¹⁹ For more information see: www.sos.ga.gov/elections/_disability_voting.htm.

A. Voter Registration

To register to vote, a citizen must first fill out a voter registration application. Voters with disabilities can receive assistance to complete the voter registration application. The person providing assistance must sign the oath on the voter registration application next to the signature of the applicant. Mail-in forms can be downloaded from the Secretary of State's website or obtained at the county board of registrars or election office, public libraries, public assistance offices, recruitment offices, school or other government offices. Georgia does not permit same-day voter registration.²⁰

B. Voting

Voting at the Polling Place

Georgia law requires all polling places to be fully accessible and equipped with poll workers that are trained to take care of the needs of voters with disabilities. Polling locations on election day are open from 7:00 a.m. to 7:00 p.m. Voters who are at least 75 years of age or have a disability and arrive at a polling location between 9:30 a.m. and 4:30 p.m. are not required to wait in line. Voters can contact their local county elections office to inquire about the accessibility of polling locations.

All poll workers in Georgia must undergo training prior to each election.²¹ Poll worker training specifically addresses these special provisions for the elderly and/or disabled who are voting in-person and, by law, these provisions must be followed.²² The specific nature and amount of training given to poll workers does vary by county, however each county is required to submit a form to the Secretary of State certifying that all poll workers have been trained.²³ While Georgia law O.C.G.A., 21-2-92; 21-2-99 says poll workers shall not serve unless they have received training, it does not prevent the appointment of a poll worker to fill a vacancy arising on Election Day.

The state issues a training manual for poll workers which county election officials can customize. The training manual includes information on various aspects of elections, including recommended practices for voters with disabilities. Best practices for poll worker training include using educational videos and role playing techniques to simulate assisting disabled electors.²⁴

²⁰ Although registration forms are available electronically, voter registration by electronic means is not permitted in Georgia. Citizens must be registered 30 days prior to the date of an election in order to be eligible to participate in the election.

²¹ The provisions mandating poll worker training can be found in Section 21-2-99 of the 2010 edition of the Georgia Election Code.

²² The 2010 Georgia Election Code (21-2-409) requires that any person assisting an elector should identify themselves to a poll worker. The poll worker must then record this information on the disabled elector's voter certificate.

²³ Election superintendents in each county must complete and submit Form #PWTC-03 under O.C.G.A § 21-2-99 certifying that all poll workers have successfully completed training prior to each election.

²⁴ *Georgia Election Official Certification, Best Practices for Training Poll Workers*. Elections Division, Georgia Secretary of State, 2012. <http://elearn.sos.ga.gov>.

In-Person Voting Assistance

Voters in Georgia can vote in-person either early or on the date of the election. The early voting period was shortened from 45-days through the 2008 election cycle to 21-days in preparation for the 2012 election-cycle. Early voting days and hours vary by county. In-person voting requires the presentation of government issued photo identification. For voters lacking this form of identification a free ID card can be obtained at county registrar's offices.

In-person voters are required to fill-out and sign a certificate at the polling location. A voter who is unable to sign his or her name, unable to see or mark the ballot, operate the voting equipment, or enter the voting booth without assistance, can receive assistance. The individual assisting a voter with a disability must record his or her name on the disabled elector's voter certificate. In federal elections, a voter with a disability can receive assistance from any individual except his or her employer, a representative of his or her employer, or a representative of his or her union. In all other elections, a voter with a disability can receive assistance from any voter, except a poll worker or poll watcher who is a resident of the precinct in which the voter requiring assistance is attempting to vote; or, a voter with a disability can receive assistance from an immediate family member such as a mother, father, sister, brother, spouse, or child.

Voters with disabilities have the option of using an accessible touch screen voting unit designed to assist with the goal of voting independently and privately. These accessible voting units provide several different methods for voters to cast a ballot. An audio ballot is available for voters who are visually impaired or blind. With the audio ballot, voters are given a headphone, and then the voter responds to prompts by touching the keypad similar to an automated phone service. A direct recording electronic (DRE) voting machine that allows the voter to magnify the ballot is located in each precinct during an election for those with vision issues. Each polling location is also required to maintain a magnifying glass for visually impaired voters. Additionally, each precinct is equipped with at least one touch screen voting unit that will allow a voter to vote while sitting in a chair or wheelchair.

Assistance for Absentee Voting by Mail

Any voter can request a mail-in absentee ballot without providing a reason.²⁵ Disabled voters can submit one application and receive absentee ballots for all primaries and general elections held within the calendar year. After one year, the voter must submit a new absentee ballot request. This provision also applies to UOCAVA and military personnel (overseas or stateside). A voter who has a disability or cannot read and write may request assistance when filling out the mail-in ballot application. The person helping the voter must sign an oath that is either printed on the mail-in ballot envelope or on the application for mail-in ballot. A voter who is physically disabled can also designate a relative or an individual residing at the same household to return his or her completed ballot in-person or by mail. Voters convalescing in a hospital can request

²⁵ Registrants can request an absentee ballot by filling out an absentee ballot application. The application is available electronically, but the completed form must be mailed, faxed, or physically delivered to the respective county registrar.

absentee ballot delivery by a requisite local election official, either a registrar or absentee ballot clerk. In this specific case the elector is called upon to register their votes on the absentee ballot and when finished return their ballot to the physical custody of the same election official who delivered the ballot.²⁶

Early voting in Georgia can be accomplished by either voting by mail or in person. Vote by mail voters can request an absentee ballot 180 days before an election without providing a reason. The county registrar's office will mail back a ballot after an application is approved and ballots are available. Voters may also vote at early voting locations beginning the 4th Monday prior to the election. Voters are not required to provide a reason for voting by absentee mail or in person early voting.²⁷

C. Specific Procedures for Nursing Homes

The Georgia Secretary of State provides a guide for nursing home administrators that discusses the responsibilities and processes that affect their residents.²⁸ The information is not provided on the web page for voters with disabilities. This guide could be used to facilitate training of those tasked to help with a voter assistance program for disabled veterans, as there are many similarities between these two segments of the population. If requested by the resident, the facility must assist in obtaining voter registration forms, applications for absentee ballots and the actual absentee ballots themselves, as well as any other legal requirements to vote. In addition, such a facility may not interfere or attempt to influence the actual casting of the resident's ballot.

IV. The Current State of Voting Services in Georgia within the VA System

The following section provides background information concerning voting services provided through the Department of Veterans Affairs within the State of Georgia. Much of this section is derived from a set of interviews conducted with VA personnel and discussions with local election officials from the three counties where VA Medical Centers are located within Georgia.

Prior to 2008, social workers in the VA Medical Centers handled the voting process for patients and were involved with in-patient processing. The social workers in the VA hospitals number in the hundreds and are assigned to patients throughout their stay. Patients in the hospitals move frequently depending upon their condition, but the same social worker remains assigned to them.

²⁶ The provisions relating to absentee voting are covered by Section 21-2-385 of the 2010 Georgia Election Code.

²⁷ "Absentee Voting: A guide for registered voters," Georgia Secretary of State, 2011, http://www.sos.ga.gov/elections/elections/candidate_information/Absentee%20Voting%20%20A%20Guide%20for%20Registered%20Voters.pdf.

²⁸ "A Guide for Nursing Home Administrators and Residents," Georgia Secretary of State, 2011, http://www.sos.ga.gov/electionconnection/nursing_home.htm.

Since 2008, the Department of Veterans Affairs Voluntary Service has been responsible for assisting veterans to register and vote.²⁹ The Chief of Volunteer Services and their staff are supported by volunteers who provide the actual assistance for voting services.

Guidance for providing assistance for VA patients seeking information on registration and voting is provided in Veterans Health Administration Directive 2008-053 (see [Appendix 1](#) for the full text of this directive). The directive reads:

It is the 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.

The facility Voluntary Service Officer, or designee, is responsible for informing all inpatients or residents of the opportunity to receive voting assistance information. The directive notes that this needs to occur when the patient is admitted to the facility. This directive also states that assistance from state and local election officials, as well as nonpartisan groups, is welcome. However, local election officials (LEOs) from each of the counties where VA Medical Centers are located within Georgia indicated that formal voter assistance programs with respective VA Medical Centers had not been established. Further, these LEOs also indicated that no request for voting assistance had been made from these VA facilities.³⁰

Voluntary Service Program Managers at each VA medical facility are required to reach out to Secretaries of State and/or local election officials.³¹ In addition, the Voluntary Service Office in each medical center can tailor voting assistance to the needs of the population at their facilities.³² The VA medical facilities in Georgia and the corresponding LEOs have not established a formal relationship. Better coordination of voting assistance between VA officials and LEOs would likely help these entities better address the voting needs of disabled veterans.

V. Conclusion

Disabled veterans in Georgia receive the same types of voting assistance from the Georgia Secretary of State that are provided to any other disabled elector. There is currently no program in place that is designed to specifically deal with the unique needs of this population. There is also no formal relationship between VA medical facilities in Georgia and corresponding LEOs.

²⁹ The VA does have an internal information system to track voter registration, however, by all accounts this system does not appear to be utilized in any consistent manner.

³⁰ In-person discussion. Directors of Elections DeKalb County Maxime Daniels, Laurens County Helen Harper, and Richmond County Lynn Bailey. GEOA meeting Savannah Georgia 5/23-24/2011

³¹ In-person meeting. Paul Hutter, Veterans Health Administration Chief of Staff. VA headquarters DC 12/1/2010

³² In-person meeting. VA Director of Volunteer Services, Mary Lou Pittman Decatur, Georgia VA Hospital 11/2/2010

We believe that better communication and coordination between the VA medical facilities and LEO would provide higher-quality voting assistance to disabled veterans.

Appendix 1: VHA Directive 2008-053

ON NEXT PAGE

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.

THIS VHA DIRECTIVE EXPIRES SEPTEMBER 30, 2013

VHA DIRECTIVE 2008-053
September 8, 2008

(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;

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).

VHA DIRECTIVE 2008-053
September 8, 2008

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.

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Under Secretary for Health

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ATTACHMENT A

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