

United States Senate

WASHINGTON, DC 20510

June 29, 2022

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Becerra,

We write to you today seeking an update on the Department of Health and Human Services' (HHS) commitments to promote voting access—including through HealthCare.gov—that were prompted by President Biden's Executive Order 14019.

On March 7th, 2021, the White House issued an Executive Order entitled "*Promoting Access to Voting*" (Voting EO).¹ Among other things, the order requires federal agencies to consider ways they could expand access to voter registration and election information.² A critical measure to strengthen our democracy, the Voting EO recognizes the value of the regular interactions that federal agencies and their employees have with the American public and seeks to make use of those interactions to improve voter access.

All agency heads were required to submit a strategic plan within 200 day of the order's issuance. On September 28, 2021, the Administration released some of the commitments outlined in each agency's strategic plan. HHS pledged to "launch a new voting access hub to connect older adults and people with disabilities to information, tools and resources to help them understand and exercise their right to vote."³ The Department also committed to offering voter registration assistance to patients within the Indian Health Service and made a budget request to improve access to our electoral system for voters with disabilities.⁴

On December 8, 2021, the Administration announced two additional commitments from HHS. Through the Centers for Medicare & Medicaid Services (CMS), HHS stated that it would "make it easier for consumers using HealthCare.gov to connect to voter registration services and receive assistance" and also pledged to work with states to improve voter registration accessibility.⁵

¹ Exec. Order No. 14019, 86 Fed. Reg. 13623 (March 7, 2021).

² *Id.*

³ White House, "FACT SHEET: Biden Administration Promotes Voter Participation with New Agency Steps," September 28, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/28/fact-sheet-biden-administration-promotes-voter-participation-with-new-agency-steps/>.

⁴ *Id.*

⁵ White House, "FACT SHEET: The Biden-Harris Administration is Taking Action to Restore and Strengthen American Democracy," December 8, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/08/fact-sheet-the-biden-harris-administration-is-taking-action-to-restore-and-strengthen-american-democracy/>.

The Biden Administration’s most recent update on the implementation of the Voting EO indicates that all agencies, including HHS, have made important progress in enhancing Americans’ access to information on elections and voter registration.⁶ But HHS can do more to fulfill its commitments under the President’s Voting EO. In particular, it should expeditiously implement changes to HealthCare.gov to facilitate access to voter registration services for millions of Americans.

CMS’ 2022 HealthCare.gov open enrollment data show that nearly 8.4 million people actively applied for health insurance through HealthCare.gov.⁷ The data also indicate that approximately 73 percent of consumers enrolled in a marketplace plan live at or below 150 percent of the federal poverty level.⁸ Despite record voter turnout during the 2020 election, low-income voters still voted at lower rates than higher earners,⁹ and difficulty with voter registration is the most significant barrier to voting for low-income Americans and communities of color.¹⁰ HHS interacts with these communities every year through HealthCare.gov and can and should offer its users the opportunity to register to vote. State Medicaid agencies have been effectively providing voter registration services during Medicaid transactions for almost 30 years, and several states have been fine-tuning voter registration in state exchanges over the last decade.¹¹

The American Civil Liberties Union and Dēmos have offered HHS comprehensive guidance on how it may consider executing on its commitment to add voter registration to HealthCare.gov.¹² States across the country have effectively incorporated voter registration into their healthcare exchanges, and this guidance highlights best practices from several of those states.¹³ HHS should evaluate this guidance and consider how it might incorporate any of the lessons from states to help accelerate the Department’s ability to deliver on its promise.

HHS’ commitments to date are important, and it is vital that the Department meets them. If implemented, they will play a critical role in achieving the Biden Administration’s goals to promote and defend the sacred right to vote of every American. We commend HHS for its efforts to promote voting access and ask that you provide us, no later than July 13, 2022 with (1) a complete list of the commitments the Department outlined in the 200 day plan it submitted in response to the Voting EO, (2) an accompanying status update on their execution and/or

⁶ *Id.*

⁷ On file with the Office of Senator Elizabeth Warren.

⁸ *Id.*

⁹ Washington Center for Equitable Growth, “Evidence from the 2020 election shows how to close the voting income divide,” Austin Clemens, Shanteal Lake, and David Mitchell, July 8, 2021, <https://equitablegrowth.org/evidence-from-the-2020-election-shows-how-to-close-the-income-voting-divide/>.

¹⁰ Washington Center for Equitable Growth, “The consequences of political inequality and voter suppression for U.S. economic inequality and growth,” Austin Clemens, Shanteal Lake, and David Mitchell, February 3, 2021, https://equitablegrowth.org/research-paper/the-consequences-of-political-inequality-and-voter-suppression-for-u-s-economic-inequality-and-growth/?longform=true#income-based_voting_divides_and_barriers.

¹¹ American Civil Liberties Union and Demos, “Guidance for Adding Robust Voter Registration Services to Federally-Facilitated Health Insurance Exchanges,” Exhibit A, <https://www.demos.org/sites/default/files/2021-12/How%20to%20Integrate%20Voter%20Registration%20into%20Federal%20Health%20Exchange.pdf>.


¹² *Id.*


¹³ *Id.*

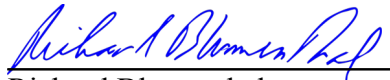
implementation, and (3) a detailed report on HHS's progress regarding the implementation of voter registration access through HealthCare.gov.


We look forward to receiving your update and thank you for taking the time to review this request.


Sincerely,

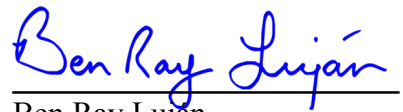

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