

**Congressional Progressive Caucus**  
**U.S. House of Representatives**  
**Washington, D.C. 20515**

June 5, 2014

The Honorable Sylvia Mathews Burwell  
Secretary  
Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Secretary Burwell:

Congratulations on your confirmation as Secretary of Health and Human Services (HHS). We know you will continue to build on the first Affordable Care Act open enrollment period and work to ensure that all Americans have access to affordable health care coverage.

We write to request a meeting with you to discuss bringing the federally-facilitated Health Benefits Exchanges (FBEs) into compliance with the National Voter Registration Act (NVRA).

As you know, a healthy democracy demands the highest possible rate of voter participation. The National Voter Registration Act makes voter registration easier and more accessible by requiring voter registration services to be provided where government delivers public services to its citizens. Since 1995, states have offered citizens the opportunity to register to vote whenever they obtain a driver's license or apply for Medicaid, and in some states, at public libraries.

FBEs are subject to the NVRA, which requires all "offices in the state that provide public assistance" to provide specified voter registration services.<sup>1</sup> The NVRA specifies that "providing public assistance" includes administration of the application process for public assistance. The Affordable Care Act (ACA) requires Exchanges to provide a "single streamlined application" for enrollment in insurance affordability programs and other health care programs like CHIP and Medicaid, which means they provide public assistance under the NVRA.<sup>2</sup> In fact, the Exchange application process is the only way to apply for Medicaid in several states. FBE processes, therefore, must comply with the requirements of the NVRA like all other public assistance offices.

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<sup>1</sup> 42 U.S.C. § 1973gg-5(a)(2)(A)

<sup>2</sup> 45 C.F.R. § 155.405(a)

It has been brought to our attention that the health care enrollment process of the FFEs may not be providing adequate access to voter registration applications. The State of California has committed to making its Exchange fully compliant with NVRA; a voter registration mailing went to the almost 5 million people who applied for benefits since October 1, 2013. We hope that the federal exchanges can follow the example of California in reaching full compliance with NVRA.

We request that you meet with Members of the Congressional Progressive Caucus (CPC) to discuss updating the FFEs so that they comply with the NVRA. Michael Darner, Executive Director of the CPC at michael.darner@mail.house.gov will contact your office to set up the meeting. We look forward to working with you on this important issue of improving access to voter registration.

Sincerely,



Keith Ellison  
Co-Chair  
Congressional Progressive Caucus



Raúl Grijalva  
Co-Chair  
Congressional Progressive Caucus



Mike Honda  
Vice-Chair  
Congressional Progressive Caucus