



CONCERNING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
Centers for Medicare & Medicaid Services
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Comments on Proposed Health Insurance Applications
For Eligibility Determinations under the Affordable Care Act
by the
League of Women Voters of the United States
February 28, 2013

The League of Women Voters of the United States submits these comments in response to the Comment Request by the Centers for Medicare & Medicaid Services regarding Agency Information Collection Activities: Submission for OMB Review, published at 78 Fed. Reg. 6109 (January 29, 2013).

According to the Federal Register Notice, "Section 1413 of the Affordable Care Act directs the Secretary of Health and Human Services to develop and provide to each State a single, streamlined form that may be used to apply for coverage through the Exchange and Insurance Affordability Programs, including Medicaid, the Children's Health Insurance Program (CHIP), and the Basic Health Program, as applicable. The application must be structured to maximize an applicant's ability to complete the form satisfactorily, taking into account the characteristics of individuals who qualify for the programs. A State may develop and use its own single streamlined application if approved by the Secretary in accordance with section 1413 and if it meets the standards established by the Secretary."

The League of Women Voters offers these comments to urge that the application and the application process developed by HHS be fully compliant with the requirements of the National Voter Registration Act.

The application form for Exchange and Insurance Affordability Programs must not lead state entities into non-compliance with the NVRA.

The League of Women Voters is a nonpartisan, community-based organization that encourages Americans to participate actively and knowledgeably in government and the electoral process. Founded in 1920 as an outgrowth of the struggle to win voting rights for women, the League now has more than 150,000 members and supporters, and is organized in approximately 800

communities and in every State. For over 90 years, the League has led efforts to protect and enhance every American citizen's right to vote.

NVRA Requirements

The National Voter Registration Act requires that offices administering Exchange and Insurance Affordability Programs under the ACA must provide voter registration opportunities to each client. The NVRA states that "all offices in the State that provide public assistance" must be voter registration agencies. (NVRA, Section 7(a)(2)(a).) Clearly the Exchange and Insurance Affordability Programs are a form of public assistance; Medicaid and the CHIP program are currently included in the NVRA mandate.

The NVRA goes on to specify that those agencies that provide public assistance must:

- 1) distribute "the mail voter registration application" with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance (Section 7(a)(6)(A);
- 2) provide assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance (Section 7(a)(4)(A)(ii)); and
- 3) accept completed voter registration application forms for transmittal to the appropriate State election official (Section 7(a)(4)(A)(iii).

Instead of distributing the actual "mail voter registration application," the agency may provide its own form "if it is equivalent to [the federal mail voter registration application]." (Section 7(a)(6)(A)(ii).)

The ACA Form

As HHS develops the "single, streamlined form that may be used to apply for coverage through the Exchange and Insurance Affordability Programs ...," it is important that the form includes the application information required by the NVRA for the voter registration process. This will enable offices administering the ACA programs to have a seamless, streamlined, equivalent process rather than having to provide the separate mail voter registration application to each client.

By integrating the Exchange and Insurance Affordability Programs form with the NVRA form, it will be possible to ensure that the application is "structured to maximize an applicant's ability to complete the form satisfactorily, taking into account the characteristics of individuals who qualify for the programs," which is one of the goals for this Federal Register Notice.

We recognize that states that currently have online voter registration programs will likely employ these registration programs, at least as an interim measure, in complying with the

NVRA in the ACA process. Indeed, this would enable many to register to vote. It must be noted, however, that most, if not all states that currently operate online voter registration programs limit participation to those citizens who have a driver's license. This limitation means that online systems will need to be supplemented with the mail voter registration application for those who do not have a driver's license, at least until such time as the online registration program is available to all eligible citizens.

Other Considerations

In addition to requirements related to the distribution of voter registration applications at public assistance agencies, the NVRA requires such agencies to provide assistance to applicants in completing the application form and to accept the form and transmit it to the appropriate state election officials.

Thus it will be important to ensure that the assistance provided as part of the application process for Exchange and Insurance Affordability Programs will also be available for the voter registration part of the process.

It will also be important to ensure that voter registration applications are properly transmitted to election officials. A single, streamlined form that integrates ACA requirements with NVRA requirements in electronic format will smooth the acceptance and transmittal process.

Conclusion

The League of Women Voters strongly urges HHS to ensure that the form used to apply for coverage through the Exchange and Insurance Affordability Programs and systems for administering it will be compliant with the National Voter Registration Act so that the state entities using the HHS form will not be in violation of the NVRA.

The application form for Exchange and Insurance Affordability Program must not lead state entities into non-compliance with the NVRA.

Respectfully submitted,

Elisabeth MacNamara, President
Lloyd Leonard, Advocacy Director
League of Women Voter of the United States
1730 M Street, NW
Washington, DC 20036
202-429-1965
Leonard@lww.org