

California to Comply with Voter Registration Law According to Settlement

ACLU, Demos, and Project Vote threatened legal action if state failed to act

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SACRAMENTO – In a victory for voting rights, the state of California has agreed to mail voter registration cards to nearly 4 million Californians who have signed up for health insurance through the state health exchange, Covered California, and to ensure that Californians who apply for health benefits through the exchange going forward are provided voter registration opportunities. The action is the result of a settlement agreement reached with the ACLU of California, the ACLU's Voting Rights Project, Demos, and Project Vote, which threatened legal action over the state's failure to comply with the National Voter Registration Act and state laws.

"Nearly four million Californians have applied for health insurance for themselves and their families and we applaud that incredible achievement. With this settlement agreement, Covered California will now offer these Californians the chance to register to vote or update their registration. California is on its way to healthier communities and a healthier democracy. It is exactly the result Congress intended when it passed the National Voter Registration Act more than 20 years ago," said Lori Shellenberger, director of the ACLU of California's Voting Rights Project.

The National Voter Registration Act (NVRA) is designed to make it easier for all Americans to register to vote and to maintain their registration. It requires states to make voter registration opportunities available at offices that provide public services, such as the Department of Motor Vehicles and the state health exchanges. Although the enrollment period for Covered California began last October, voter registration has not yet been provided, prompting this possible legal action.

To avoid litigation, Covered California agreed that by no later than the next open enrollment period in the fall of 2014, it will incorporate all required voter registration services into all processes by which a consumer engages with Covered California, including online, in person, by mail, and telephone transactions. Immediately, Covered California will do a remedial voter registration mailing to the nearly 4 million people who applied for health benefits since the launch of the Affordable Care Act on October 1, 2013, and it will continue these mailings until there is full compliance.

"Ensuring that all eligible Americans are registered to vote is key to ensuring a robust democracy," said Lisa Danetz, legal director of Demos. "Agency-based registration under the National Voter Registration Act is a critical tool in making voter registration convenient and accessible. California's decision to properly implement the NVRA's requirements for those enrolling through its health benefit exchange should serve as an example for other state-run exchanges around the country. If other states follow, millions more Americans will have the opportunity to join the voting rolls."

Dale Ho, director of the ACLU's national Voting Rights Project, said this settlement is a warning to other states that operate health exchanges but have failed to provide required voter registration services. Those states include Nevada, Hawaii, Washington, and Washington D.C.

"It's time to end the foot-dragging," Ho said. "States have had months to make voter registration available through their health exchanges. A delay in offering voter registration is a delay for democracy. No more stalling."

"Covered California is committing to comply with the law and fulfill Congress's intent that voter registration services be easily available to individuals while they are seeking government assistance," said Sarah Brannon, director of the Public Agency Voter Registration Program for Project Vote. "Other health benefit exchanges around the country should look to the system Covered California is setting up under the terms of this agreement as a model for how they can effectively comply with the legal requirements of the NVRA."

The ACLU of California, the ACLU's Voting Rights Project, Demos, and Project Vote represented the League of Women Voters of California, Young Invincibles, and several individuals who applied for health care benefits through Covered California.

"Many eligible voters fail to register due to lack of access and opportunity. Offering voter registration to the millions of people enrolling in health care is a simple step toward reaching out to them," said Jennifer A. Waggoner, president of the League of Women Voters of California.

This historic settlement could serve to engage a younger generation in their democracy. "Many young adults are obtaining health insurance for the first time, and this is a great opportunity to both insure young Americans and create a young generation of registered voters," said Tamika Butler, California director of Young Invincibles.

The agreement was approved by the California health benefit exchange board and was signed by Covered California's executive director Peter Lee and California Secretary of State Debra Bowen.

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