



HEALTH CARE & THE 2020 ELECTIONS

Updated March 2020

A Democratic AG coalition led by **California AG Xavier Becerra** is fighting in a court to save health care for millions of Americans. They are challenging President Trump and 17 Republican AGs (and one GOP governor) who want to gut critical care for families and communities everywhere. The case, now called [California vs. Texas](#), will be heard by the Supreme Court next term.

If the GOP sabotage is successful, nearly [20 Million people](#) could lose their health care coverage.

If the Affordable Care Act is [struck down](#):

- Protections for 130 million Americans with pre-existing conditions, including 17 million children could disappear. The uninsured rate will increase by 65 percent.
- Medicaid expansion, which covers 17 million people, would disappear.
- Nearly 12 million seniors who rely on Medicare to help with drug costs would see prescription drug costs dramatically increase.
- More than 2.3 million young people under 26 years of age who are covered by their parents' health plans would no longer have coverage.
- Women could be charged 50 percent more than men by insurance companies.
- Resources for rural hospitals will be diminished as cost of care increases in those communities.

According to the [Urban Institute](#), 19.9 million people could lose coverage by repealing the Affordable Care Act, meaning the number of uninsured Americans would increase from 30.4 million to 50.3 million, representing a 65 percent increase in the uninsured rate.

REPUBLICAN AGS ARE PUTTING CARE FOR MORE THAN 130 MILLION PEOPLE WITH A PRE-EXISTING CONDITION AT RISK.

According to a [recent analysis](#) by the *Center for American Progress*, roughly half of nonelderly Americans, or as many as 130 million people, have a pre-existing condition. This includes:

- 44 million people who have high blood pressure.
- 45 million people who have behavioral health disorders.
- 44 million people who have high cholesterol.
- 34 million people who have asthma and chronic lung disease.
- 34 million people who have osteoarthritis and other joint disorders.
- 17 million children, 68 million women, and 30 million people aged 55-64 have a pre-existing condition.

IF YOU CARE ABOUT YOUR HEALTH CARE, YOU NEED TO CARE ABOUT YOUR ATTORNEY GENERAL.

FACT: National polling continues to show that health care is a top issue for voters — and in 2018, health care played a role in the [four AG seats](#) that went blue.

- In January 2020, a Gallup poll [found](#) that 81 percent of respondents ranked health care as an issue important in their vote, higher than any other issue, with the highest percentage of respondents finding it "extremely" important in the poll as well.
- In December 2019, [Hill-Harris](#) polling found that “health care tops the list of issues” voters care about “going into the 2020 elections.”
- Polling conducted by Public Policy Polling in [May 2019](#) found 65% of voters support the Affordable Care Act and a majority of voters say they trust Democrats more on the overall issue of health care.

FACT: President Trump and the GOP are continuing to lie about their dangerous position on health care.

- In February 2020, during the State of the Union, President Trump claimed he will “always protect patients with pre-existing conditions – that is a guarantee.”
 - Shortly after, the Republican Attorneys General Association misleadingly tweeted a similar claim about Republican AGs leading the effort to protect people with pre-existing conditions. DAGA fact-checked both President Trump and RAGA [here](#).
- In March 2020, President Trump participated in a Fox News townhall in which he said, “pre-existing conditions, 100% we take care of.”
 - Again, that is a false claim as he and his administration proactively joined Republican AGs in their lawsuit to eliminate protections for 135+ Million people who have a pre-existing condition. DAGA fact-checked President Trump [here](#).

FACT: There is a stark contrast between Democratic AGs and Republican AGs on health care—and Democratic AGs are fighting tirelessly to defend health care.

- In [February 2018](#), Republican AGs led by Texas Ken Paxton filed a lawsuit to dismantle the Affordable Care Act (ACA).
 - In addition to Texas, [Republican AGs](#) from Alabama, Arkansas, Arizona, Florida, Georgia, Indiana, Kansas, Louisiana, Missouri, Nebraska, North Dakota, South Carolina, South Dakota, Tennessee, Utah, West Virginia, and Wisconsin and the governor of Mississippi are parties to the lawsuit attempting to dismantle health care.
 - The lawsuit is backed by President Trump and his Administration.
- In [May 2018](#), **California AG Xavier Becerra** and 16 Democratic AGs successfully intervened in the federal lawsuit to vigorously defend the ACA and the millions of families across the country who rely on it for affordable care
 - Joining California AG Xavier Becerra to defend the ACA, [Democratic AGs](#) from Connecticut, Delaware, Hawai’i, Illinois, Kentucky, Massachusetts, Minnesota, North Carolina, New Jersey, New York, Oregon, Rhode Island, Virginia, Vermont, Washington, and the District of Columbia successfully intervened in the case.

- In November 2018, Americans went to polls to elect AGs in more than 30 states including [flipping four](#) AG seats (CO, MI, NV, WI) red-to-blue with [health care](#) being a top voting issue.
- In December 2018, a federal District judge [ruled](#) the Affordable Care Act is unconstitutional, endangering health care coverage for tens of millions of Americans.
 - Democratic AGs led by California AG Xavier Becerra filed an [appeal](#).
 - California AG Xavier Becerra was [joined](#) by Democratic AGs from Connecticut, Delaware, Hawaii, Illinois, Kentucky, Massachusetts, Minnesota, New Jersey, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, Washington and the District of Columbia.
- In February 2019, Colorado AG Phil Weiser, Iowa AG Tom Miller, Michigan AG Dana Nessel, and Nevada AG Aaron Ford [joined](#) the Democratic AG coalition defense of the Affordable Care Act.
 - This brought the Democratic coalition appealing the December ruling to 21 Democratic AGs.
- In April 2019, Republican AGs in Montana and Ohio [broke](#) with their GOP AG colleagues and filed an amicus brief asking that the court to only invalidate the individual mandate and leave the rest of the ACA.
- On [July 9, 2019](#), the Fifth Circuit Court of Appeals heard oral arguments in *Texas vs. US*.
- In [December 2019](#), the Fifth Circuit agreed with the lower court that a key provision in the ACA is unconstitutional and sent the lawsuit back to the lower court.
- In January 2020, Democratic AGs led by California AG Xavier Becerra [appealed](#) the ruling to the U.S. Supreme Court.
 - Joining California AG Xavier Becerra in the appeal are Attorneys General from Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, Washington and the District of Columbia (Governor Andy Beshear of Kentucky joined as well).
- In February 2020, Republican AGs and the Trump administration [asked](#) the U.S. Supreme Court to allow the lower court to make a final ruling and not step in to hear the ACA lawsuit.
- In March 2020, the Republican Governor of New Hampshire “thwarted” President Trump and fellow Republican states and [ordered](#) his Republican AG to defend the ACA.
- In March 2020, the U.S. Supreme Court [agreed](#) to hear the ACA case, now called *California vs. Texas*, during its upcoming session in the fall. This could be as early as October 2020, but there is currently no set timeline.
- November 3, 2020, Americans go to the polls to elect the next President of the United States and vote for state AG in ten states.

FACT: Four of the Republican AGs suing to gut health care are up for re-election in 2020.

- *Indiana AG Curtis Hill*
- *Missouri AG Eric Schmitt*
- *Utah AG Sean Reyes*
- *West Virginia AG Patrick Morrisey*