



MEMORANDUM

March 2, 2020

To: Interested Parties

**From: Navin Nayak, Executive Director for the Center for American Progress Action Fund,
and Jesse Lee, Vice President of Communications**

Re: President Trump has put ACA repeal and pre-existing conditions on the ballot

In a presidency defined by polarization, one issue has seen more bipartisan opposition from voters than any other: President Trump's obsession with repealing the Affordable Care Act and protections for Americans with pre-existing conditions.

With the Supreme Court agreeing to take up the lawsuit pushed by President Trump and Republican state attorneys general, which targets the ACA's provisions on pre-existing conditions directly and seeks to overturn the entire law, President Trump has put ACA repeal on the ballot front and center going into November.

President Trump's legislative repeal effort galvanized all parts of the Democratic base, but also moderate suburban voters and many in Trump's own base, leading to his most crushing political defeat. All of those same Americans will be vocal and mobilized again in telling Trump to drop the lawsuit and in holding him accountable for his attacks on Americans' health care. The lawsuit has been [described](#) as "absurd" and "ludicrous," and the Department of Justice had to overrule its [own career lawyers](#) to adopt its position, but Trump is counting on his own Supreme Court appointees to support his partisan legal case.

The ACA is polling at an all-time high: With the 10th anniversary of the Affordable Care Act approaching, Kaiser Family Foundation's most recent polling finds favorability for the law at an [all-time high](#), with 55% favorable and only 37% unfavorable. Navigator also found an [all-time high](#) of 54%-31%, with 62% "very favorable" on protections for people with pre-existing conditions.

Trump's approval on health care issues is abysmal:

- Trump approval on health care: 38-61 [[AP-NORC, 1/21/20](#)]
- Trump approval on health care in Wisconsin 34-56; Pennsylvania: 40-51; Michigan 35-53; Ohio 42-48 [[Great Lakes, 1/21/20](#)]
- Trump's handling of pre-existing conditions: 35-51 [[KFF, 1/22/20](#)]
- Trump's handling of the ACA: 35-56 [[KFF, 1/22/20](#)]

President Trump has recognized the political peril of his position: President Trump has made it a refrain of his rallies and his State of the Union that he will always protect Americans with pre-existing conditions, even making the outlandish "[pants on fire](#)" claim that, "I was the person who saved pre-existing conditions in your healthcare." In a recent widely reported incident, Trump [lashed out](#) at HHS Secretary Azar after being presented with polling showing his weakness on the issue.

Health care was the #1 issue in the 2018 midterms: President Trump's approval [cratered](#) months into office as he took up repeal of the ACA, and remained low through the disastrous midterm elections where health care was rated the top issue for voters [throughout the year](#) and in [exit polls](#). ACA repeal and protections for pre-existing conditions were top issues in the districts that gave Democrats a sweeping majority, as well as Senate races like Arizona where the Republican candidate was needed on [similar denials](#) to the ones Trump makes now. According to a Center for American Progress Action Fund (CAPAF) [analysis](#) of Senate and House races that the Cook Political Report identified as tossups, 20 out of 25 Republican incumbents who voted at least once to repeal the ACA lost their seats.

Democrats have made enormous state and local gains where the ACA & health care were top issues: Democrats have repeatedly won in deep red states under Trump where health care was a central issue, including the [Louisiana](#) and [Kentucky](#) gubernatorial races, where Medicaid expansion was central, along with Democratic landslides in states like [Virginia](#).