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# After King v. Burwell

**VOTERS' OPINIONS  
ON OBAMACARE, EXCHANGE SUBSIDIES,  
AND NEEDED REFORMS**

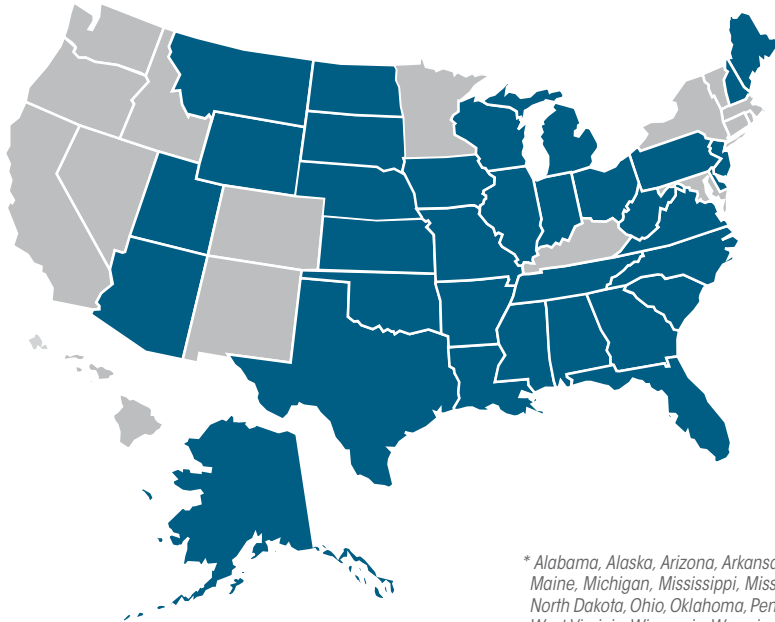
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# After King v. Burwell



1,564 Voters in Federal Exchange States\*

March 9-13  
2015

MOE +/- 2.48%

*\* Alabama, Alaska, Arizona, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, Wyoming*

## EXECUTIVE SUMMARY

The Foundation for Government Accountability commissioned a poll of 1,564 voters in the 34 states using the HealthCare.gov federal ObamaCare exchange that could be impacted by the Supreme Court's forthcoming King v. Burwell decision.

Voters view ObamaCare as having done more harm than good. They blame Congress for a poorly written law and they expect Congress to fix it. And they want those fixes to help everyone, not just those getting subsidies. They want those changes to make sense: more choices, the ability to buy insurance any time, and subsidies that follow people, not just exchange plans.

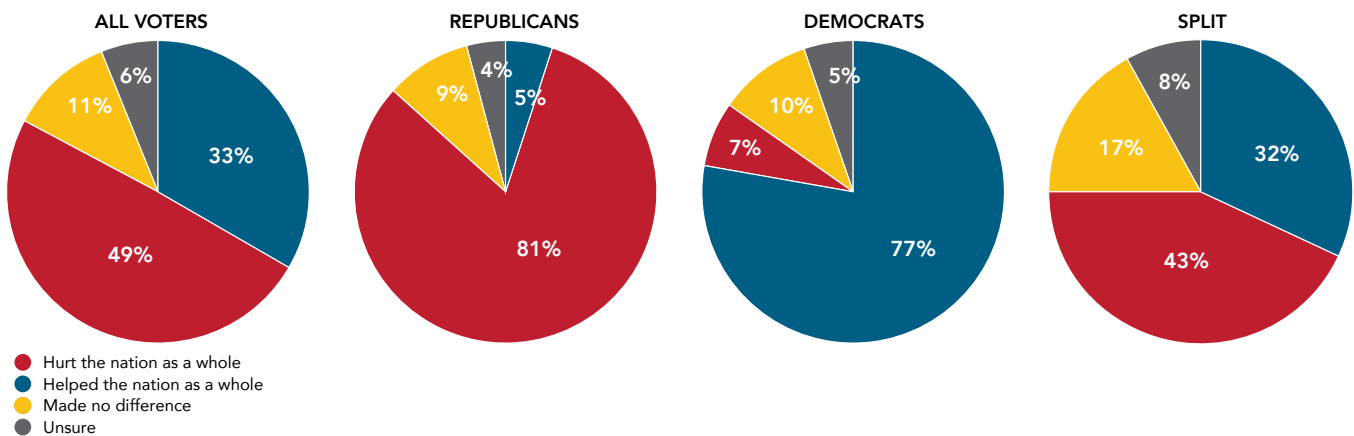
Voters understand that setting up ObamaCare exchanges will put states on the hook for the high operating costs to run those exchanges. They recognize that doing so will put more employers and individuals at the mercy of the IRS as it enforces more ObamaCare mandates. And they've seen the disastrous rollouts other states have experienced in setting up those exchanges.

This is a problem created by the federal government. They don't expect or want states to bail out Congress or the Obama administration. That's why they're prepared to vote against their state lawmakers the next time they're up for re-election if they set up a state exchange.

## OPPOSITION TO OBAMACARE IS PERSONAL, NOT POLITICAL

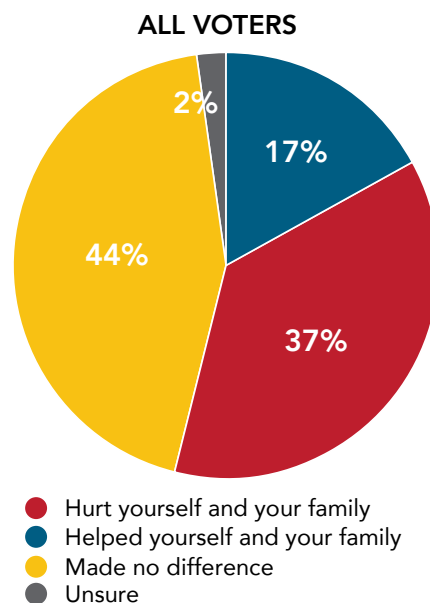
Our results show nearly 50 percent of voters believe the Affordable Care Act (ObamaCare) has been bad for the nation as a whole. On the other hand, just 33 percent believed ObamaCare had been good for the nation as a whole. These results are consistent with other national polls, which have shown a majority of voters disapprove of the law.

### Do you believe the Affordable Care Act, commonly known as ObamaCare, has generally helped the nation as a whole, hurt or made no difference?



Most opposition to ObamaCare is personal, not political. Approximately two-thirds of individuals who believe ObamaCare has hurt the nation also report that the law has hurt them or their families directly. Nearly three-quarters of individuals who believe ObamaCare has had no effect on the nation as a whole report that the law has had no impact on them personally. ObamaCare support, on the other hand, appears more political in nature. Most voters who believe ObamaCare has helped the nation report that the law has had no effect on them or their families.

### Do you believe the Affordable Care Act, commonly known as ObamaCare, has generally helped yourself and your family, hurt or made no difference?



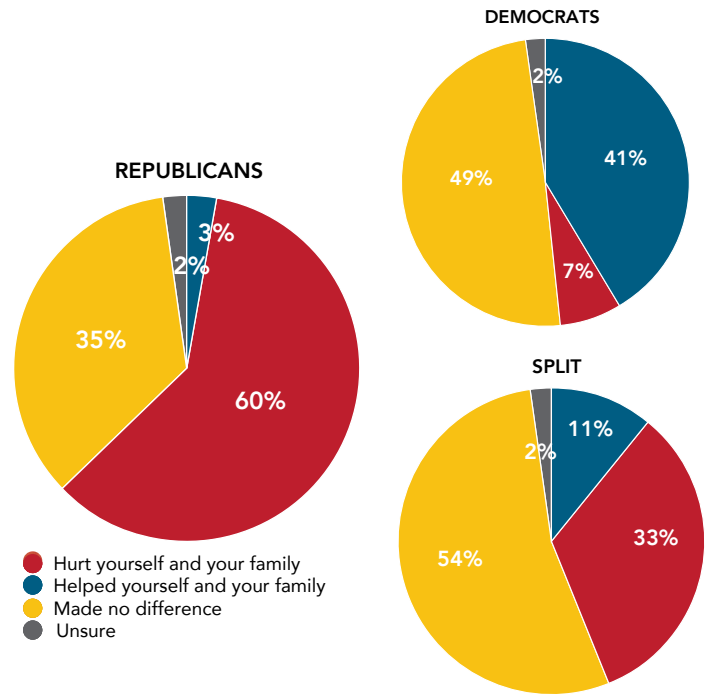


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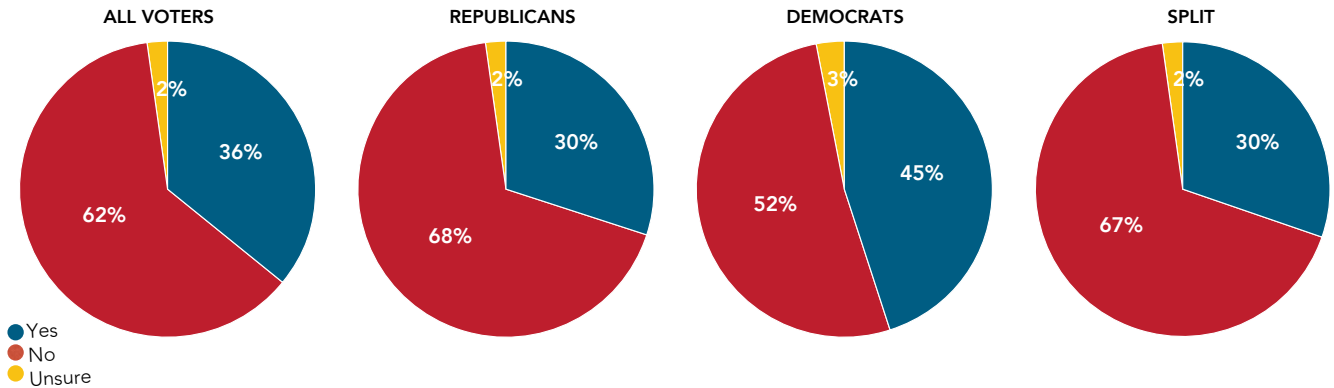
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Republicans and split-ticket voters report that ObamaCare has hurt them and their families far more than it has helped. Approximately 60 percent of Republicans and 33 percent of split-ticket voters report that ObamaCare has hurt them directly. By contrast, just three percent of Republicans and 11 percent of split-ticket voters report that ObamaCare has helped them directly.

Most of these voters do not know a close friend or family member who has bought insurance on the ObamaCare exchange, regardless of party identification. But knowing a closing friend or family member who purchased insurance from HealthCare.gov did not weaken their opposition to the law.

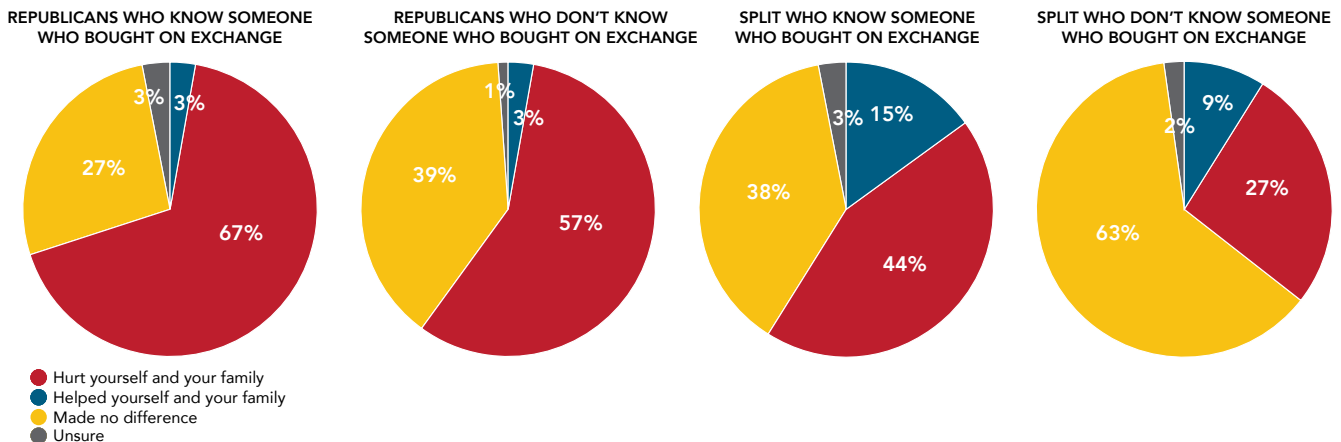


### Do you know a close friend or family member who has purchased health insurance through the HealthCare.gov ObamaCare exchange?



In fact, Republican and split-ticket voters who knew someone who purchased insurance through the ObamaCare exchange were even more likely to report that ObamaCare had hurt them or their family.

### Do you believe the Affordable Care Act, commonly known as ObamaCare, has generally helped yourself and your family, hurt or made no difference?

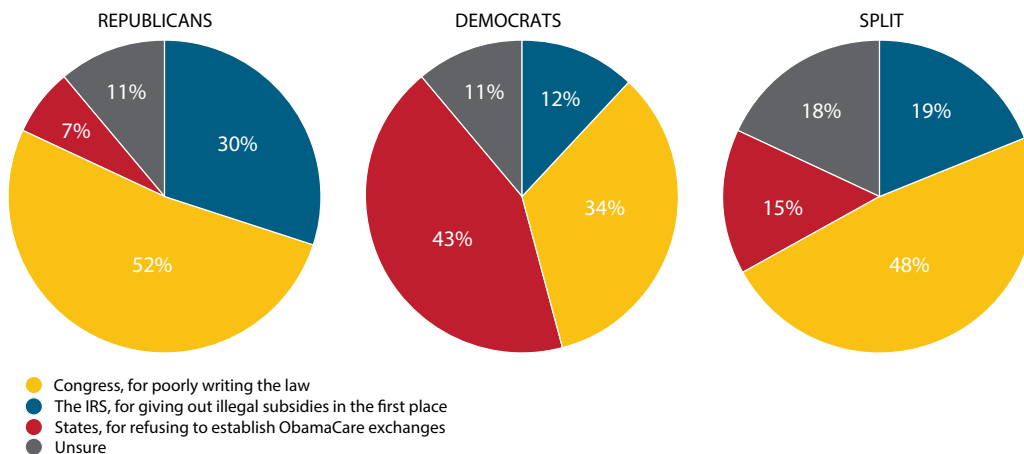
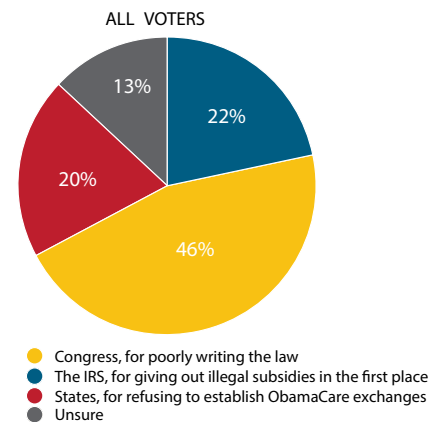


## VOTERS WON'T BLAME STATES IF THE SUPREME COURT THROWS OUT SUBSIDIES

If the Supreme Court rules that the IRS overstepped its authority by issuing subsidies in states that refused to establish ObamaCare exchanges, voters are unlikely to blame state lawmakers for failing to establish an exchange. Instead, the vast majority of voters are likely to blame Congress or the IRS.

### If the Supreme Court rules that the IRS overstepped its authority and that those subsidies are illegal, some residents of those states may lose their health insurance subsidies and also their health insurance plans. If this happens, who would you blame most?

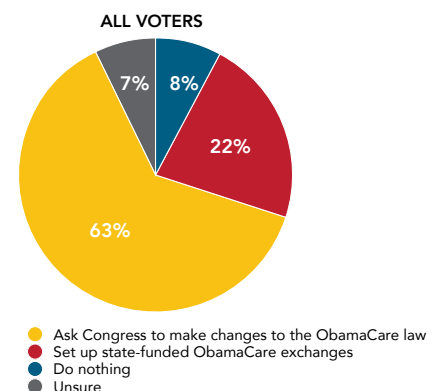
Most voters blame federal officials for any mess created by the King v. Burwell decision, regardless of party identification. Approximately 82 percent of Republicans blame Congress or the IRS, while just seven percent blame states. Likewise, 67 percent of split-ticket voters blame either the IRS or Congress, while just 15 percent blame states.



## STATES SHOULDN'T "FIX" PROBLEMS CREATED BY THE SUPREME COURT'S DECISION

Given that voters don't blame states for the outcome in the King v. Burwell case, it is no surprise that they do not want states to clean up any potential problems caused by the ruling. If the Supreme Court rules subsidies can only be issued in states that establish ObamaCare exchanges, just 22 percent of voters want states to establish those exchanges. Instead, the vast majority of voters want Congress to make changes to ObamaCare.

### If the Supreme Court rules that the IRS overstepped its authority and that ObamaCare subsidies are illegal in 34 states, how should states respond?

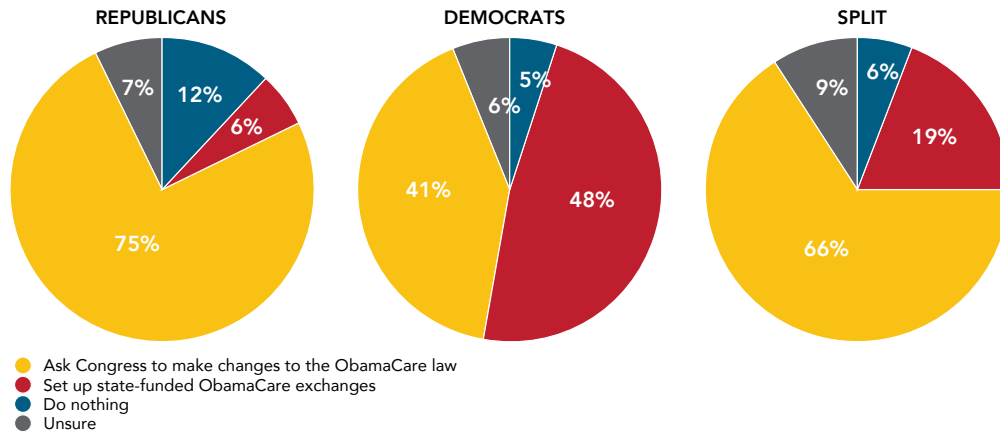




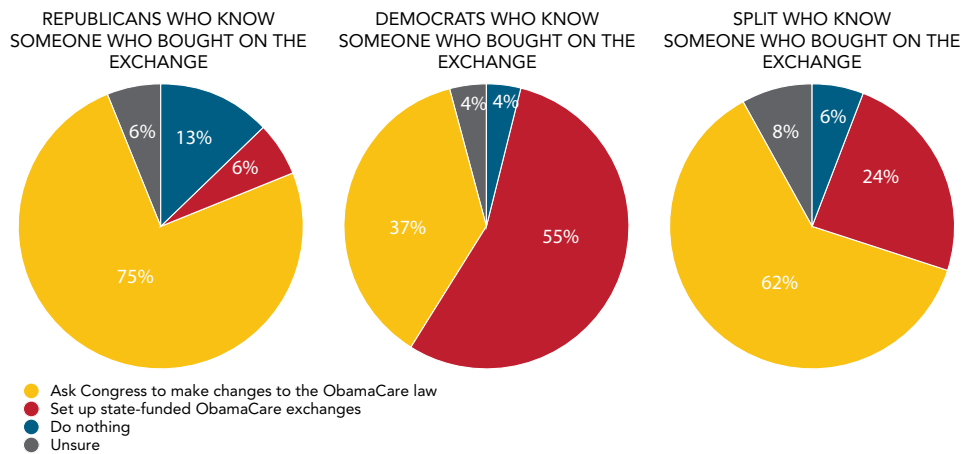
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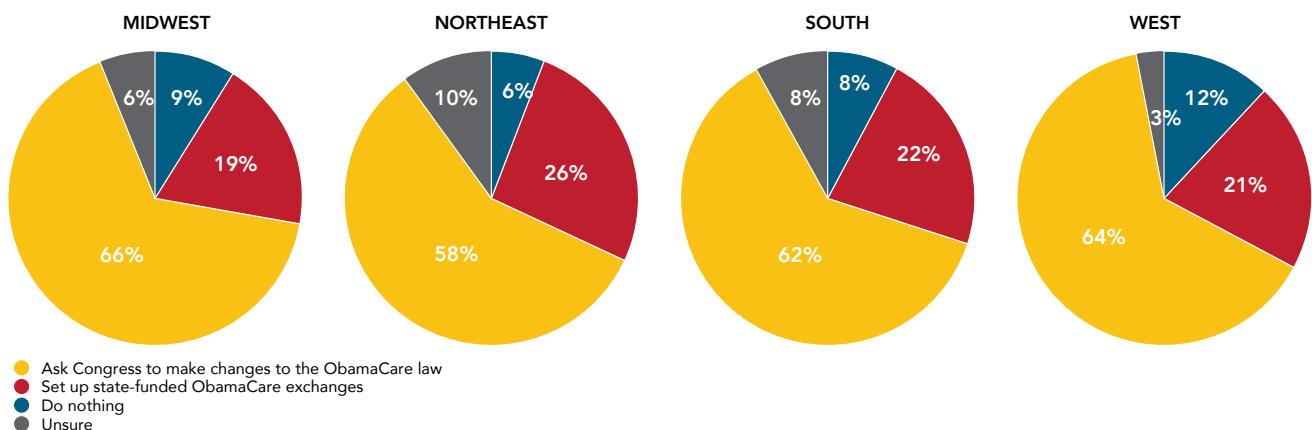
The vast majority of Republican and split-ticket voters want states to either do nothing or ask Congress to make changes to ObamaCare. Just six percent of Republican voters and 19 percent of split-ticket voters want states to set up exchanges if the plaintiffs win the King v. Burwell case.



Even voters who know close friends or family members who purchased health insurance plans from the ObamaCare exchange would rather see Congress make changes than states set up exchanges.



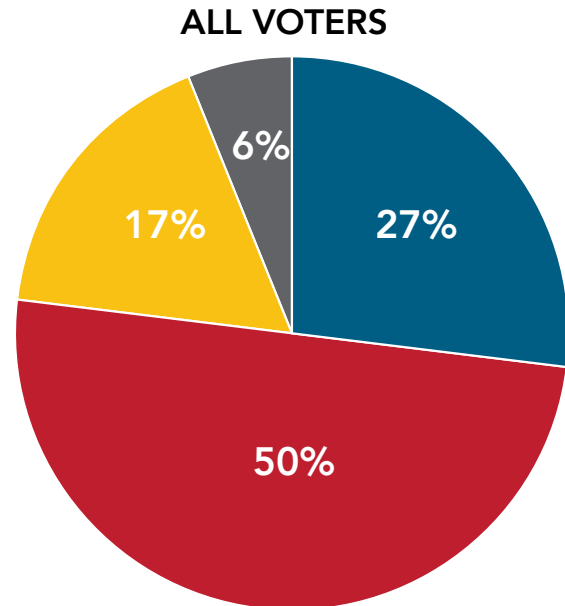
These feelings remain stable across all regions of the United States. The vast majority of voters in each region want states to do nothing or ask Congress to fix the law, while only a small minority want states to set up exchanges in response to the King v. Burwell decision.



## VOTERS ARE LESS LIKELY TO RE-ELECT STATE LEGISLATORS WHO IMPLEMENT OBAMACARE EXCHANGES

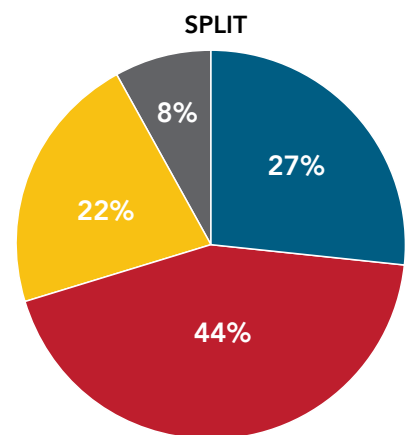
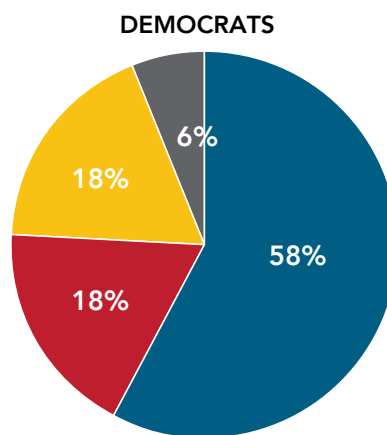
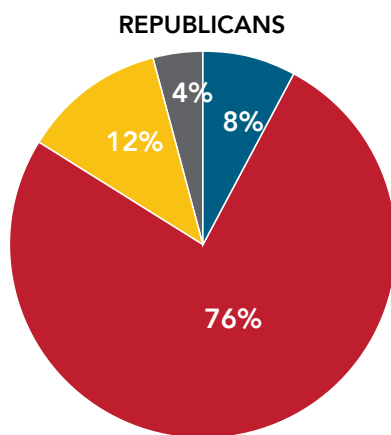
Given that voters generally oppose states establishing ObamaCare exchanges, it is no surprise that they are less likely to re-elect state legislators who move to set up exchanges. A majority of voters report that they will be less likely to re-elect state legislators who implement ObamaCare exchanges, compared to just 27 percent who report that they are more likely to re-elect those state lawmakers.

### Would you be more or less likely to re-elect your state legislator if he or she voted to set up a state-funded ObamaCare exchange?



- Less likely to re-elect my state legislator
- More likely to re-elect my state legislator
- It would not affect my opinion
- Unsure

A whopping 76 percent of Republican voters are less likely to re-elect state legislators who implement ObamaCare exchanges. Even among split-ticket voters, 44 percent of voters are less likely to re-elect state lawmakers who create these exchanges, compared to just 27 percent who would be more likely to re-elect those lawmakers.



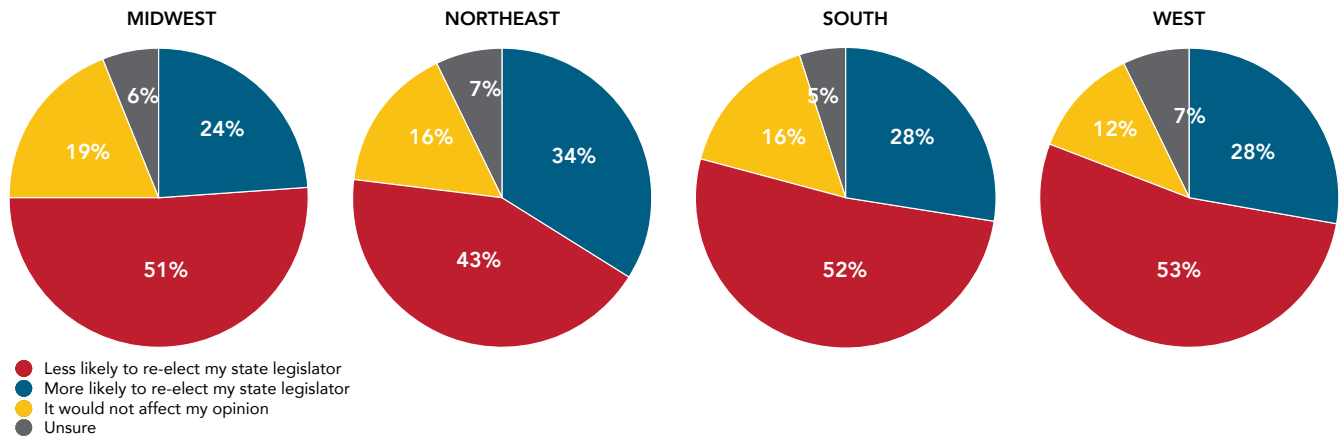
- Less likely to re-elect my state legislator
- More likely to re-elect my state legislator
- It would not affect my opinion
- Unsure



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Across all regions of the United States, voters are less likely to re-elect state lawmakers who establish ObamaCare exchanges. These feelings are most pronounced among voters in the Midwest, South, and West, though still prevalent among voters in the Northeast.

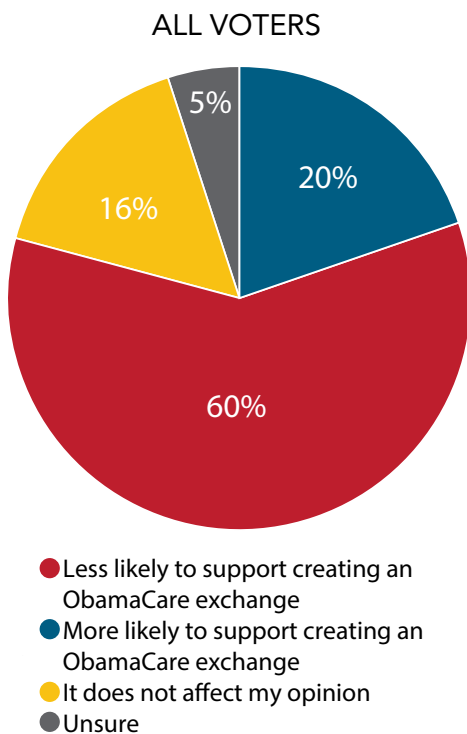


## VOTERS POSITIVELY RESPOND TO KEY MESSAGES AGAINST STATE-FUNDED OBAMACARE EXCHANGES

Voters do not want states to establish ObamaCare exchanges, but it is important to understand why they want states to reject those exchanges. To that end, it is important to test what messages resonate best with specific audiences.

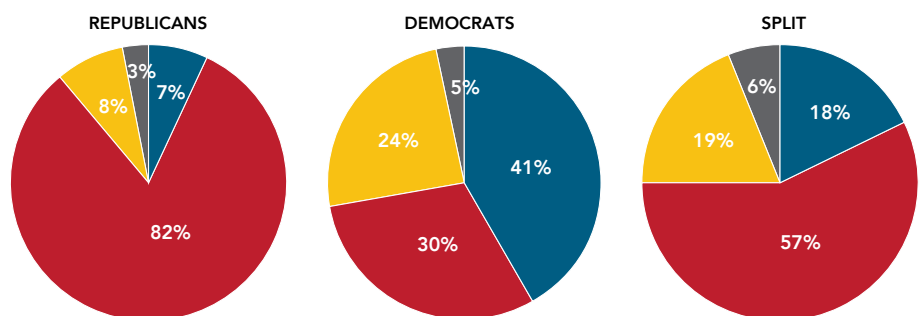
### HIGH OPERATING COSTS

The most powerful message for making voters less likely to support establishing a state exchange is the fact that states will be responsible for the exchanges' ongoing operating costs.



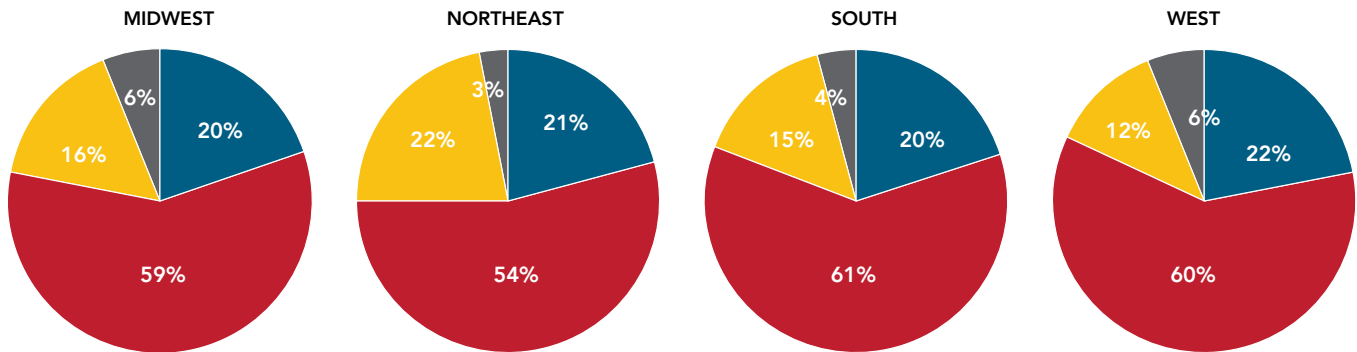
**Would you be more or less likely to support setting up state-funded ObamaCare exchanges if you knew that state taxpayers would have to pay for the cost of operating the ObamaCare exchanges?**

This argument is the single best message among Republican and split-ticket voters for why states should not establish ObamaCare exchanges. It is also the second strongest message among Democrats.





This message resonates in all regions of the country. It is the single best message with voters in the Northeast, South, and West and the second best message with voters in the Midwest.

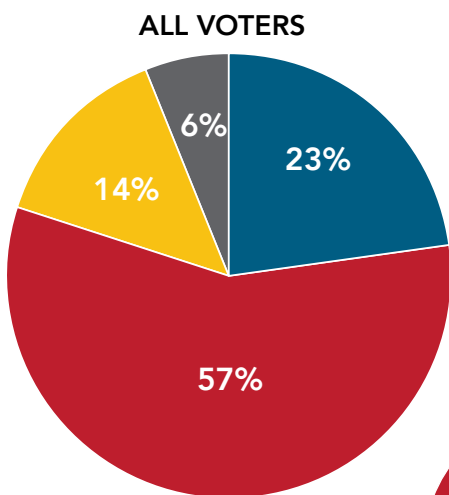


- Less likely to support creating an ObamaCare exchange
- More likely to support creating an ObamaCare exchange
- It does not affect my opinion
- Unsure

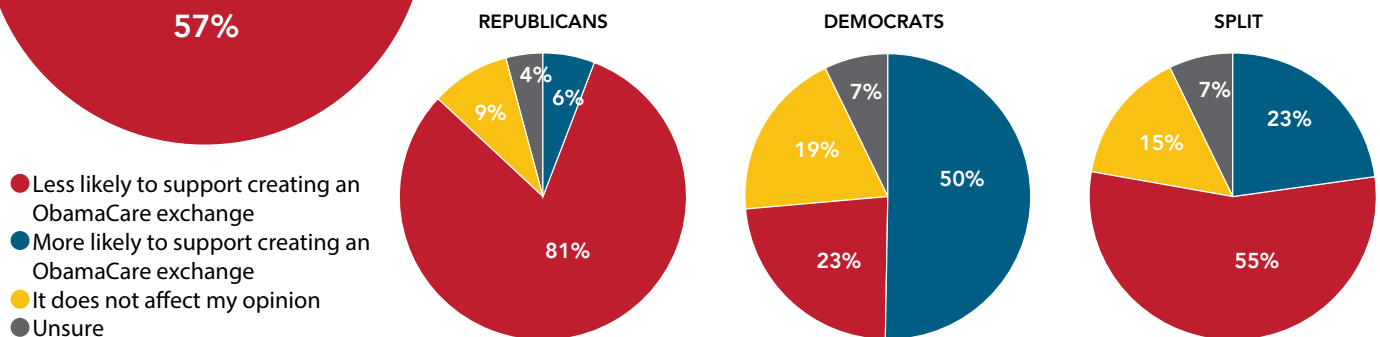
## EMPLOYER MANDATE

The second strongest message for making voters less likely to support establishing a state exchange is the fact that establishing exchanges would subject more businesses to ObamaCare's employer mandate.

**Would you be more or less likely to support setting up state-funded ObamaCare exchanges if you knew that creating exchanges could cause 375,000 businesses and 86 million employees to be subject to ObamaCare's employer mandate?**



This argument is the second strongest message among Republican and split-ticket voters for why states should not establish ObamaCare exchanges. On the other hand, it is the weakest message among Democrats.

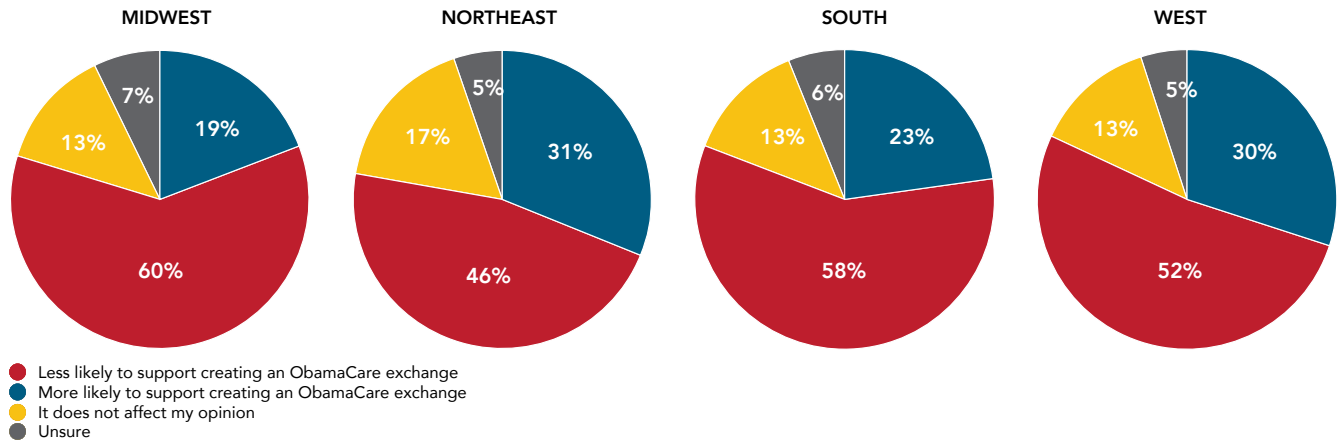




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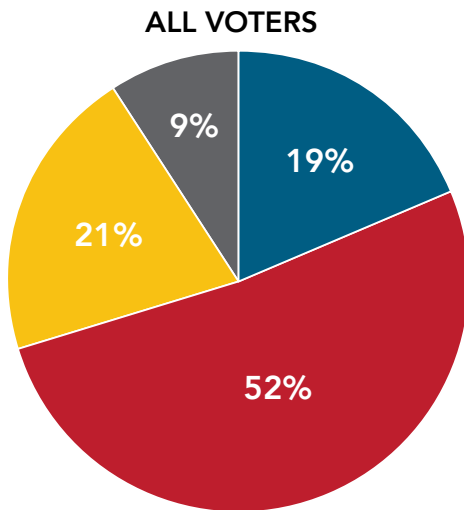
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This message also resonates in most regions of the country. It is the single best message with voters in the Midwest, the second best message with voters in the South, and the third best message with voters in the West.



## ROLLOUT PROBLEMS

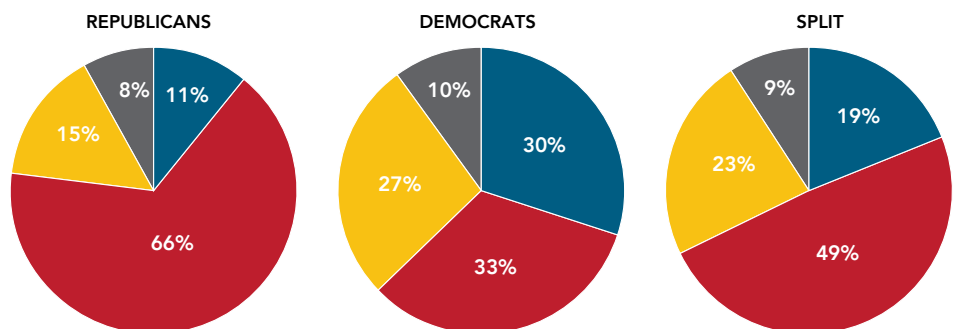
The third strongest message for making voters less likely to support establishing a state exchange is the fact that states which have established exchanges have faced serious and costly problems during the rollout of those exchanges.



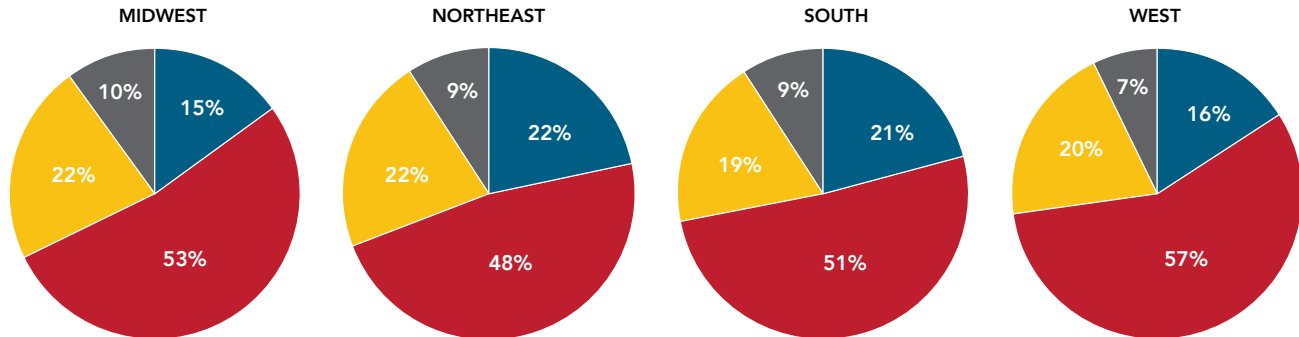
**Would you be more or less likely to support setting up state-funded ObamaCare exchanges if you knew that several state exchanges faced serious and costly problems, leading to audits, FBI investigations, the resignation of key staff and some states even scrapping their exchange websites altogether?**

This argument is the single best message among Democrats. In fact, it is the only argument that moves more Democrats to oppose creating ObamaCare exchanges compared to support creating those exchanges. But it remains a powerful message among voters, regardless of party identification.

- Less likely to support creating an ObamaCare exchange
- More likely to support creating an ObamaCare exchange
- It does not affect my opinion
- Unsure



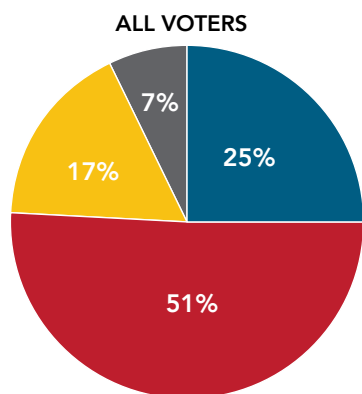
This message also resonates in most regions of the country. In fact, it is the second best message with voters in the Northeast and West, while still resonating in the Midwest and South.



- Less likely to support creating an ObamaCare exchange
- More likely to support creating an ObamaCare exchange
- It does not affect my opinion
- Unsure

## INDIVIDUAL MANDATE

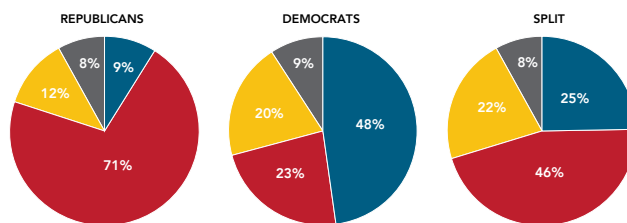
Voters also respond strongly to the message that establishing exchanges will subject more Americans to ObamaCare’s individual mandate that they purchase ObamaCare-approved health insurance or face tax penalties with the IRS.



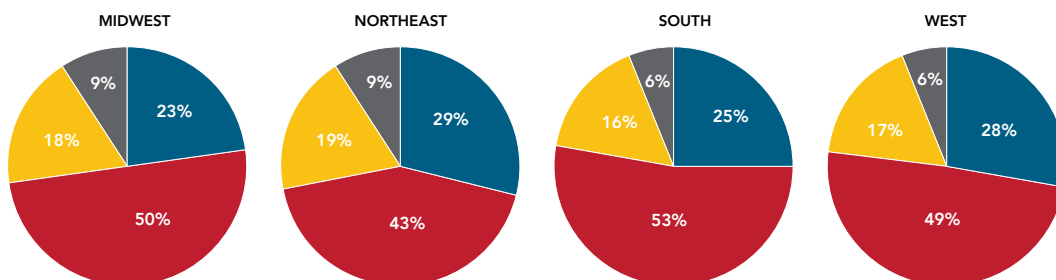
**Would you be more or less likely to support setting up state-funded ObamaCare exchanges if you knew that creating such state-funded exchanges could cause 12 million Americans in these states to be subject to ObamaCare’s mandate that all individuals buy health insurance or face tax penalties with the IRS?**

This argument is most powerful among Republicans, but still salient among split-ticket voters and even some Democrats.

- Less likely to support creating an ObamaCare exchange
- More likely to support creating an ObamaCare exchange
- It does not affect my opinion
- Unsure



This message also resonates in most regions of the country. It is most powerful in the Midwest and South, but still salient in the Northeast and West.





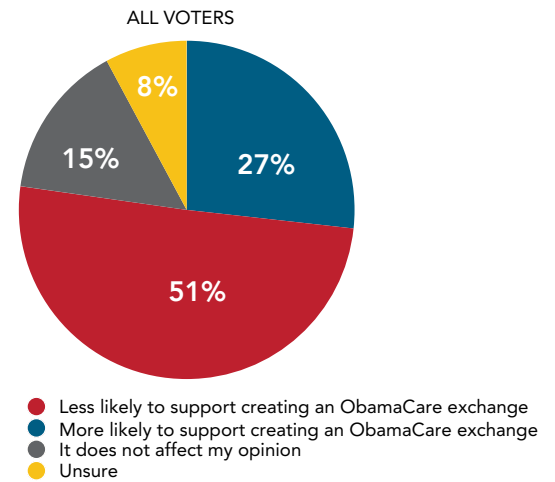
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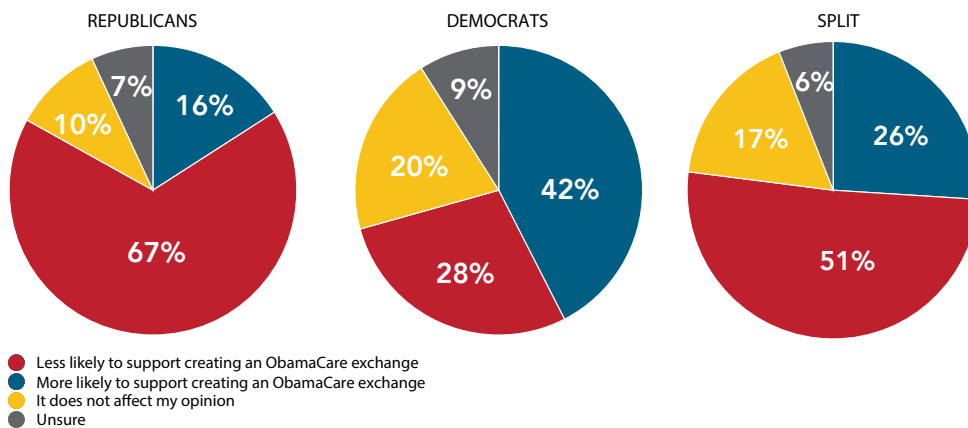
## UNDERMINING CONGRESS

Voters also positively respond to the message that states establishing ObamaCare exchanges are undermining Congressional efforts to re-open the law.

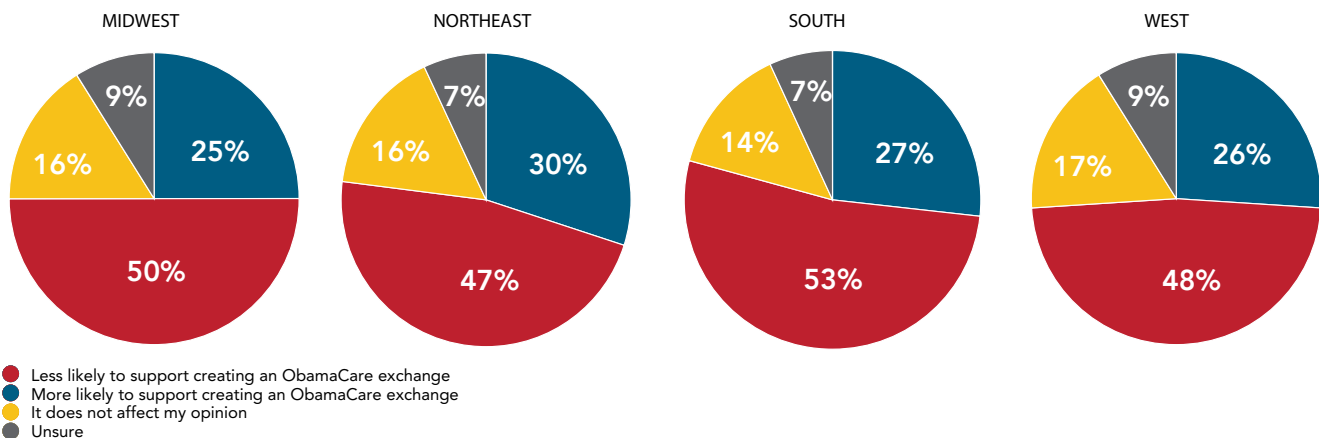
**Would you be more or less likely to support setting up state-funded ObamaCare exchanges if you knew that creating an exchange would undermine Congressional efforts to re-open the ObamaCare law and make major changes?**



This argument is the third best message among Democrats and split-ticket voters. But it remains a powerful message among all voters, regardless of party identification.

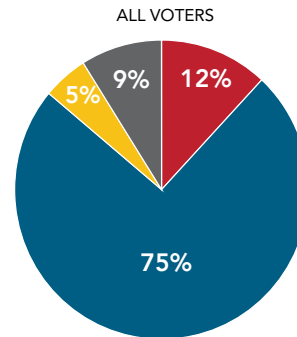


This message resonates in most regions of the country. This is the third strongest message in the Northeast, though it performs well in all regions.



## VOTERS WANT MAJOR CHANGES TO OBAMACARE

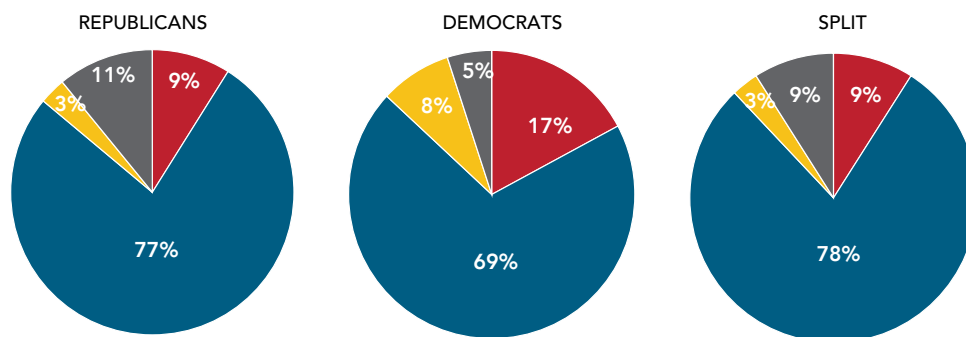
Voters are right that setting up ObamaCare exchanges will undermine Congressional efforts to re-open the law. But voters want more than just minor tweaks that only affect individuals currently receiving subsidies in federal exchange states. They want major changes that improve the law for everyone.



### If Congress re-opens the law, how should they best make changes to ObamaCare?

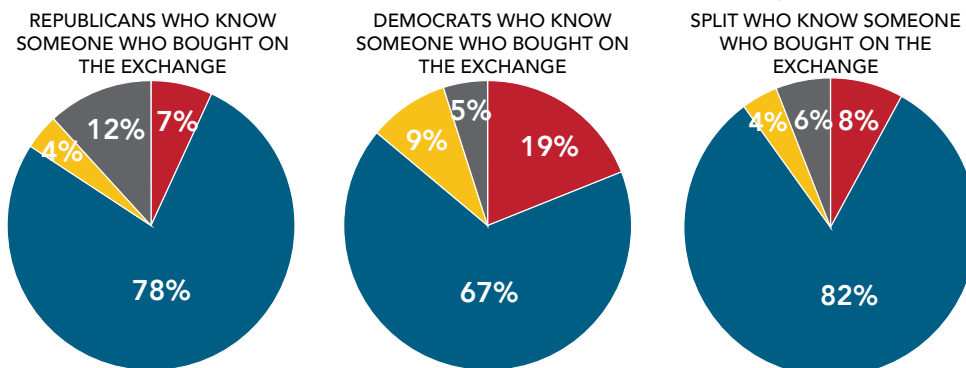
- Make major changes that will improve the law for everyone
- Make changes that only impact those who were receiving ObamaCare subsidies in the 34 states where they were illegal
- Make no changes
- Unsure

A large majority of voters support congressional efforts to make major changes to the law, regardless of party affiliation. Although they may ultimately disagree about what specific changes to make, Republicans, Democrats and split-ticket voters all agree that the status quo is unacceptable.



- Make major changes that will improve the law for everyone
- Make changes that only impact those who were receiving ObamaCare subsidies in the 34 states where they were illegal
- Make no changes
- Unsure

Even voters who know close friends or family members who purchased health insurance plans from the ObamaCare exchange want Congress to make major changes to improve the law for everyone, not just the people they know who purchased plans on the exchanges.



- Make major changes that will improve the law for everyone
- Make changes that only impact those who were receiving ObamaCare subsidies in the 34 states where they were illegal
- Make no changes
- Unsure



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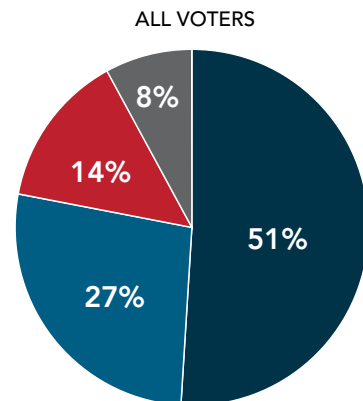
## AMERICANS SUPPORT THREE KEY CHANGES TO OBAMACARE

Americans support changes to ObamaCare that will deliver more choice, free them from ObamaCare’s limited enrollment periods, and give them more flexibility in how they use premium tax credits. Support for these changes spans the political spectrum and across all regions of the country.

### MORE CHOICES

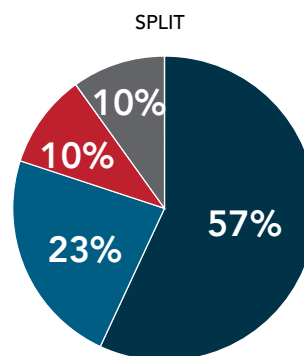
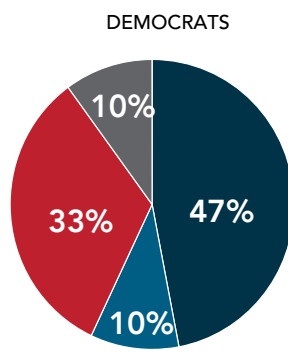
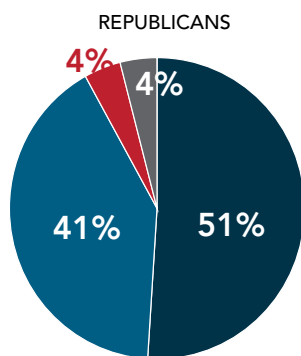
Voters want more choices of health plans, including the option to buy lower cost plans available before ObamaCare. They would like to be able to buy those plans in place of or in addition to the ObamaCare-compliant plans sold in the market today. This seems to be a direct call for Congress to ease the burdensome ObamaCare regulations that outlawed many of the plans Americans had previously liked and purchased.

**ObamaCare outlawed many health insurance plans that were available before 2014. If Congress re-opens the law, should they allow people to buy the types of plans that used to be sold before 2014?**



- Yes, those plans should be allowed in addition to current ObamaCare-compliant plans
- Yes, those plans should be allowed in place of current ObamaCare-compliant plans
- No, those pre-2014 insurance plans should remain illegal
- Unsure

A majority of voters support giving Americans access to more choices, regardless of party identification. This change is most favored by Republican and split-ticket voters, but even a majority of Democrats support wider choices for consumers.

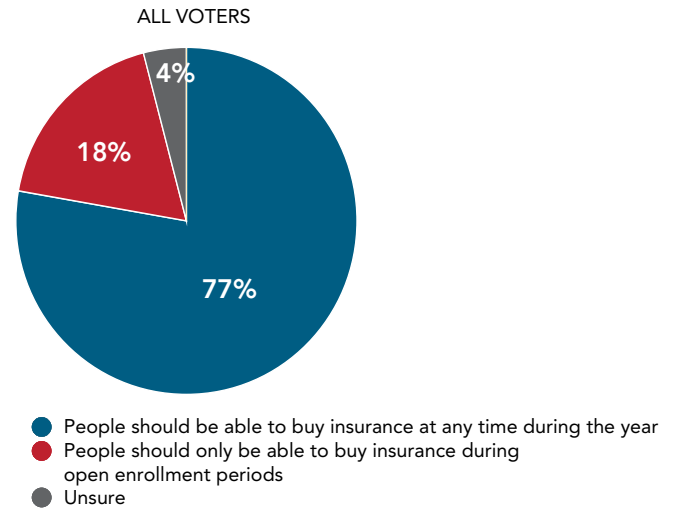


- Yes, those plans should be allowed in addition to current ObamaCare-compliant plans
- Yes, those plans should be allowed in place of current ObamaCare-compliant plans
- No, those pre-2014 insurance plans should remain illegal
- Unsure

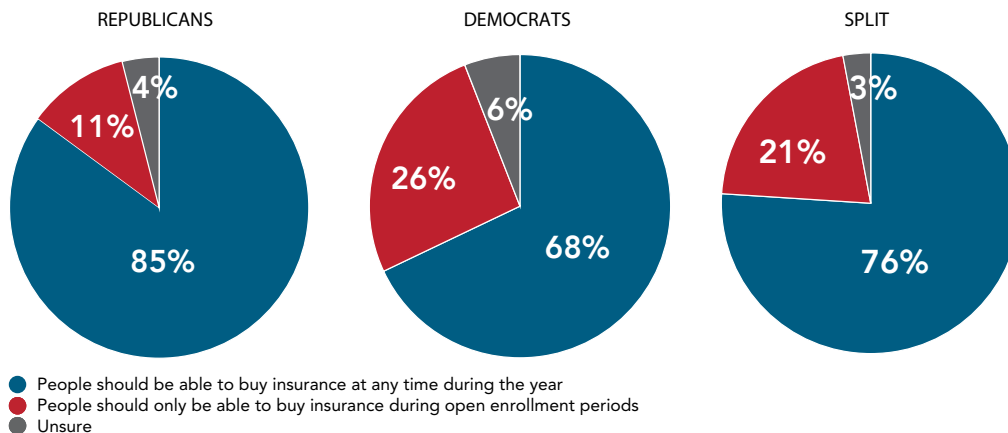
## BUYING INSURANCE OUTSIDE OBAMACARE'S ENROLLMENT WINDOW

Voters think families should be allowed to buy insurance at any time, not just when the government says they can. There are a number of ways Congress can go about achieving this. One option would be to allow Americans to buy plans priced at actuarially fair rates at any time during the year, or following a continuous coverage period, while leaving open enrollment periods in place for certain risk pools, including those with pre-existing conditions.

**Before ObamaCare, people could buy insurance any time throughout the year. But under ObamaCare, most people can only buy insurance during a small 3-month open enrollment period each year. If Congress re-opens the law, should they allow people to buy insurance during the entire year or only during current 3-month open enrollment periods?**



Most voters support more freedom in buying insurance outside of ObamaCare's limited open enrollment period, regardless of party affiliation.





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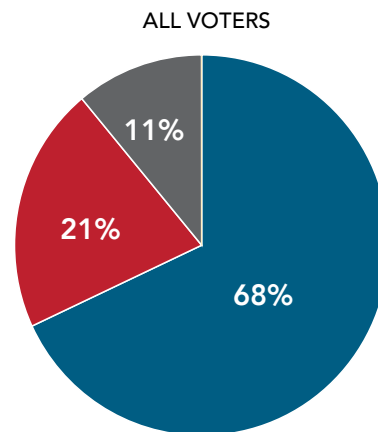
## MORE FLEXIBILITY ON TAX CREDITS

Voters generally want more flexibility in how they are allowed to use tax credits, rather than being limited to subsidies just for ObamaCare exchange plans. Congress could reorganize and recalculate ObamaCare's tax credit provisions to allow the credits to follow the person, not the ObamaCare exchange plan, for individuals without access to employer-sponsored insurance. Such a task would require careful consideration to make certain more Americans are not ensnared in ObamaCare's new order of government dependency.

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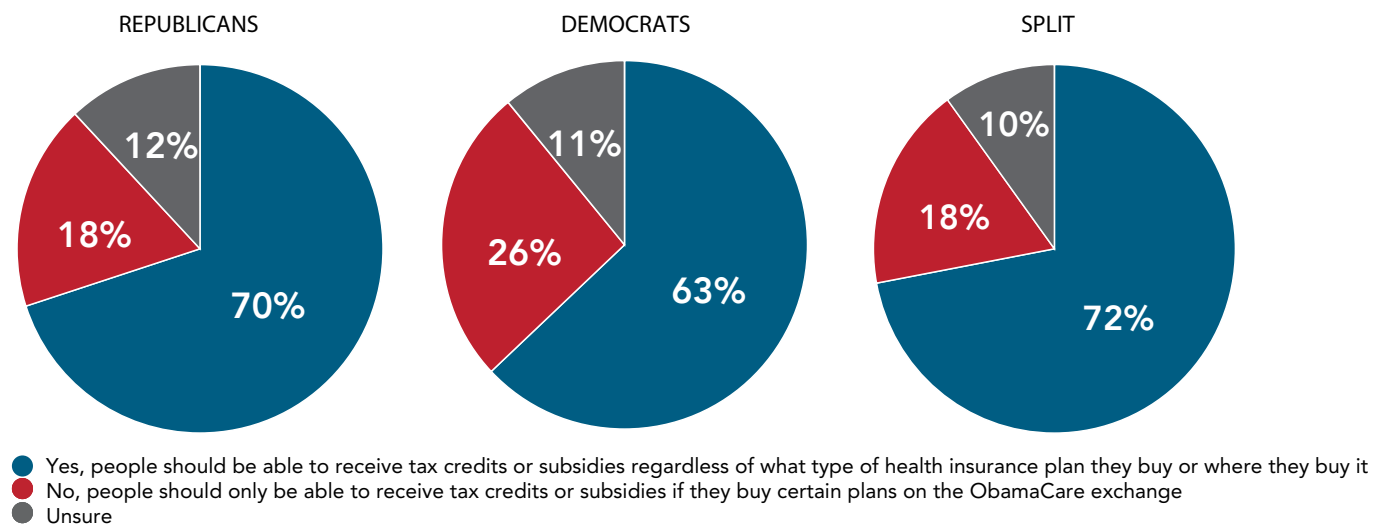
**Currently, ObamaCare only allows subsidies for certain government-approved plans sold on the ObamaCare exchange. If Congress re-opens the law, should they allow people to receive tax credits or subsidies for all types of health insurance plans, including those not sold on the ObamaCare exchange?**

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- Yes, people should be able to receive tax credits or subsidies regardless of what type of health insurance plan they buy or where they buy it
- No, people should only be able to receive tax credits or subsidies if they buy certain plans on the ObamaCare exchange
- Unsure

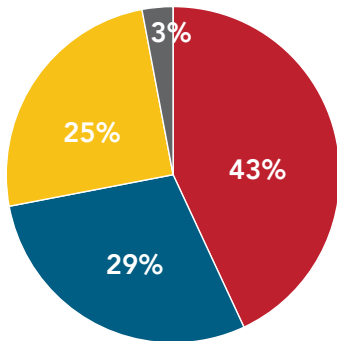
Most voters support more flexibility in using their tax credits, regardless of party affiliation.





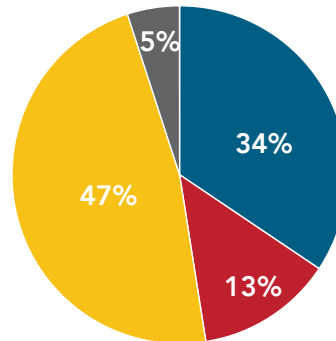
## POLL DEMOGRAPHICS

2014 VOTE PATTERN



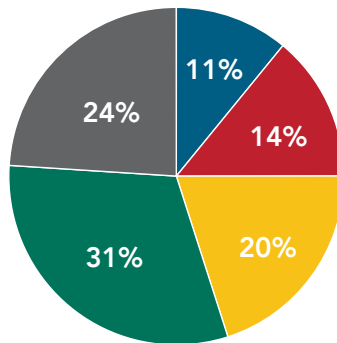
- Mostly Republican
- Mostly Democrat
- Split (some Republican/some Democrat)
- Unsure

REGION



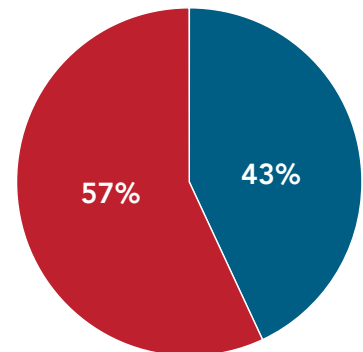
- Midwest
- Northeast
- South
- West

AGE



- 18-29
- 30-39
- 40-49
- 50-64
- 65+

GENDER



- Male
- Female

## METHODOLOGY

Results for this poll are based on live telephone interviews conducted among a multi-state sample of 1,564 adults who voted in the November 2014 general election. The multi-state sample was limited to voters in the 34 states that have not established health insurance exchanges. Data for this survey research was collected by Advantage, Inc.

Interviews were conducted via a computer-assisted telephone interviewing system by professional interviewers who are extensively trained in interviewing practices, including techniques designed to achieve the highest possible respondent cooperation. Questions and responses were rotated to ensure survey integrity.

The surveys were conducted March 9-13, 2015. The margin of sampling error is plus or minus 2.48 percentage points. The margin of sampling error may be higher for certain subgroups.

Data is sampled using weighted demographic information from the U.S. Census Bureau's Current Population Survey Voting and Registration Supplement. Demographic information for actual voters in prior congressional elections was used to construct sample target weights.

The Foundation for Government Accountability paid for all costs associated with this survey.



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