

# United States Senate

WASHINGTON, DC 20510

August 22, 2023

The Honorable Chiquita Brooks-LaSure  
Administrator  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244

Dear Administrator Brooks-LaSure,

We write to request the Centers for Medicare & Medicaid Services (CMS) expedite its work with states to expand automatic voter registration (AVR) through the Medicaid application process. Although voter participation has increased in recent elections, a recent study found that more than 34 million eligible voters are not registered to vote. AVR has a long track record of successfully bridging this registration gap. For example, in the seven years since Oregon became the first state to implement AVR through a “motor voter” law, Oregon’s voter registration lists have expanded from 2.16 million to more than 2.98 million. These trends have been echoed in states across the country that have implemented AVR.

As you know, expanding access to voting is a key priority for the Biden Administration. Section 3(a) of President Biden’s March 2021 Executive Order 14019 on Promoting Access to Voting, requires each federal agency to “evaluate ways in which the agency can, as appropriate and consistent with applicable law, promote voter registration and voter participation.” Expanding AVR has shown to be one of the most promising avenues to promote voting access, but states need support from the federal government in order to implement it.

On July 31, 2023, Oregon Governor Tina Kotek signed legislation that authorizes the Oregon Health Authority (OHA) to automatically register unregistered Oregon voters when they apply for Medicaid. Through this law, OHA is authorized to share the name, age, residence, citizenship, and electronic signature (if one exists) of Medicaid applicants with the Oregon Secretary of State’s office. The law ensures important privacy guardrails and also allows Oregonians to opt out of registering to vote. Of the roughly 200,000 eligible Oregonians who are not registered to vote, more than 85% are likely to qualify for Medicaid through the Oregon Health Plan. This law has the potential to considerably increase access to voting for low income Oregonians, but it can only take effect once CMS approves the sharing of this data between the Oregon Health Authority and Oregon Secretary of State’s office.

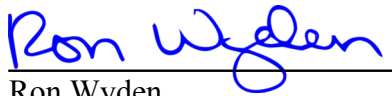
We urge CMS to work with state officials in states that have approved Medicaid-based AVR in order to expeditiously implement automatic voter registration through the Medicaid application process.

To that end, we request answers to the following questions by September 20, 2023:

1. What is CMS currently doing to comply with Executive Order 14019?

2. What resources does CMS need to work with states to approve state plan amendments authorizing AVR and ensure that states can effectively implement AVR through the Medicaid application process?
3. Does CMS have a timeline for consideration of this request and those from other states that have passed similar legislation?

Sincerely,



Ron Wyden  
United States Senator  
Chairman, Committee on  
Finance



Jeffrey A. Merkley  
United States Senator