

February 1, 2022

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

Dear Administrator Brooks-LaSure:

I write regarding the Centers for Medicare & Medicaid Services' (CMS) role in supporting state efforts to implement Medicaid-based Automatic Voter Registration (AVR). Medicaid AVR has the potential to enhance civic participation and voter registration opportunities for low-income citizens. A well-designed Medicaid AVR system could streamline voter registration for enrollees, improve the accuracy of voter rolls while complying with applicable federal privacy standards governing Medicaid data, and decrease burdens on Medicaid applicants and agency staff.

In 2019, Colorado's legislature authorized AVR at Health First Colorado, our state's Medicaid program. Health First Colorado serves more than 1.4 million low-income Coloradans who are disproportionately people of color with poorer health outcomes than the general population.¹ The same population faces several challenges to voting and civic engagement, including lower rates of voter registration. Despite requirements in Section 7 of the National Voter Registration Act (NVRA) that Medicaid state agencies assist beneficiaries to register to vote, researchers find that Medicaid enrollment negatively correlates with voter registration and voting.² Existing efforts at Medicaid agencies to register enrollees and beneficiaries are insufficient.

AVR allows authorized state agencies to automatically transfer data provided by voting-eligible individuals to election officials to register them to vote (with an opportunity to decline). One reason no state has yet to implement Medicaid-based AVR, despite its potential benefits, is because state officials await CMS confirmation that it would not create compliance issues with Medicaid.

¹ Department of Health Care Policy & Financing. "State of Colorado Fact Sheet." Accessed on December 6, 2021 at: <https://hcpf.colorado.gov/sites/hcpf/files/State%20of%20Colorado%20fact%20sheet%20FY21.pdf>

² Jake Haselswerdt; Jamila Michener, "Disenrolled: Retrenchment and Voting in Health Policy." *Journal of Health Politics, Policy, and Law* (2019) 44 (3): 423-454. Accessed on December 6, 2022 at: <https://doi.org/10.1215/03616878-7367012>

Since 2017, Colorado’s Secretary of State has implemented and managed a successful AVR at our motor vehicle agency, which has led to over 250,000 Coloradans registering to vote across the state.³ After Colorado passed SB19-235 in 2019 to extend this AVR system to Medicaid applications, the Colorado Secretary of State has worked with the state’s Department of Health Care Policy & Financing (HCPF) to prepare for implementation. However, CMS approval of Colorado’s plan is necessary for the state to move forward.

To that end, and consistent with the President’s March 7, 2021 Executive Order directing agencies to “consider ways to expand citizens’ opportunities to register to vote,”⁴ I urge CMS to consider the following steps to give Colorado the confidence to move forward with Medicaid-based AVR:

- 1. Permit states to describe AVR processes in their Medicaid state plans**, allowing CMS to use the state plan amendment (SPA) process to review proposed AVR models for compliance with applicable federal requirements; and
- 2. Approve AVR SPAs that include appropriate safeguards** for applicants and beneficiaries to maximize registration rates of eligible individuals, while preventing voter registration of applicants who are ineligible to vote.

I appreciate your timely consideration of this matter.

Sincerely,



Michael F. Bennet
Unites States Senator

³ Election Assistance Commission. “Election Administration and Voting Survey (EAVS) Comprehensive Report. 2010 - 2020. Accessed on December 6, 2021 at: <https://www.eac.gov/research-and-data/studies-and-reports>

⁴ White House. “Executive Order on Promoting Access to Voting.” Accessed on January 31, 2022: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promoting-access-to-voting/>