

JARED POLIS
GOVERNOR



136 STATE CAPITOL
DENVER, COLORADO 80203

TEL 303-866-2471
FAX 303-866-2003

September 6, 2023

The Honorable Chiquita Brooks-LaSure
Centers for Medicare and Medicaid Services
U.S. Department of Health & Human Services
7500 Security Boulevard
Baltimore, MD 21244-1850

Re: Implementing Medicaid Automatic Voter Registration in Colorado

Dear Administrator Brooks-LaSure:

I am reaching out regarding Colorado's efforts to improve the voter registration process for Medicaid applicants and beneficiaries while continuing to honor the federal confidentiality standards governing Medicaid program data. I write both to express my appreciation for the attention that you and other CMS officials have dedicated to this issue—including your letter to Senator Michael Bennet dated April 6, 2022—and to request your continued partnership so that Colorado can move forward with implementation of these important reforms.

Since 1993, the National Voter Registration Act (NVRA, 52 U.S.C. § 20506(a)(2)) has required our state Medicaid agency, the Department of Health Care Policy & Financing (HCPF), to assist Medicaid applicants and beneficiaries to register to vote. In 2019, as you know, Colorado's legislature passed a [law](#) (SB 19-235, C.R.S. § 1-2-502.5) requiring HCPF to implement automatic voter registration (AVR), a more streamlined and secure process that would, in line with the NVRA's mandate, increase the number of eligible Medicaid applicants and beneficiaries who register to vote while preventing voter registration of ineligible individuals. The legislature further directed HCPF to implement AVR "subject to compliance with all applicable federal laws and regulations," including the federal confidentiality standards and use limitations for Medicaid program data.

Based on helpful conversations with CMS and HHS staff as well as experts in the field, we have identified several potential approaches for AVR that harmonize with these important protections for Medicaid applicants and beneficiaries. A well-designed AVR model can continue to protect Medicaid recipient data, while providing the important benefit of easier, more direct access to

voter registration and the exercise of the constitutional right to cast ballots for qualified individuals.

My administration has made it a priority to implement SB 19-235 ahead of the 2024 election as part of our campaign to maximize voter registration opportunities for historically disenfranchised groups. I write to request that CMS prioritize working with Colorado to design and implement an AVR program that both improves voter registration rates for Medicaid applicants and beneficiaries, and protects their data against unlawful use or disclosure. While I know that CMS has a busy agenda, I also know we both strongly support equitable access to voter registration for Medicaid applicants and beneficiaries. Moreover, recognizing that this is an emerging policy area, I am hopeful that CMS' partnership with Colorado can serve as a model for the additional states that seek to follow our lead in implementing a Medicaid AVR model.

Please reach out to me if you have any questions or concerns. You may also contact David Oppenheim, Deputy Chief of Staff for Policy and Legislative Affairs, at david.oppenheim@state.co.us and (303) 725-6271.

Thank you for your consideration of this important request.

Sincerely,

A handwritten signature in blue ink that reads "Jared Polis". The signature is written in a cursive, flowing style.

Jared Polis
Governor of Colorado