



STATE REPRESENTATIVE ANNA SCHARF

August 22, 2023

Via Electronic Mail

Ms. Chiquita Brooks-LaSure
Administrator for Centers for Medicare & Medicaid Services
U.S. Department of Human Services

Ms. Chiquita Brooks-LaSure,

I am writing to you today in opposition to providing Oregon waivers to automatically register eligible Medicaid recipients to vote. The CMS has the authority to stop this, and they should until Oregon can prove the registration process is secure and will only register eligible voters.

I am a member of the Oregon House of Representatives Rules Committee, and I heard this bill in committee during the 2023 Legislative Session. I raised many questions during the hearings and most of them were left unanswered by the Secretary of State's Office (SOS) and the Oregon Health Authority (OHA).

When the bill was presented by the SOS office there were questions as to the process and the validity of the need for automatic voter registration through OHA for Medicaid recipients. All these members already have access to the Oregon Department of Motor Vehicles (DMV) where they can obtain an identification card (not a drivers license or Real ID) and be registered to vote through the existing motor-voter registration system. In addition, they can also register to vote online from any smartphone or at a public library, courthouse, etc.

Since 2016, Oregon has automatically registered eligible voters when they obtain or renew driver's licenses or nonoperating IDs from DMV. To date, more than 800,000 voters have been added to state voter rolls, and more than 93% of all Oregonians who are eligible to vote are registered, according to the SOS Office. However, there are flaws with that system. Recently a constituent took his H2A workers to get Oregon driver's licenses. A month later they all started receiving voter registration cards. They are H2A workers here from foreign countries legally for a very limited amount of time to work. They can legally obtain drivers licenses but are NOT legal to vote.

During the hearing on HB 2107, there was little discussion regarding data security with respect to sharing needed information across platforms. How would OHA determine if the 170,000 people were legal US Citizens prior to registering them? How would the OHA system gather that data and then tie it to the SOS office?

Oregon has a history of public data breaches, the most recent being one at OHA where 1.7M Oregon Health Plan member had their private information leaked in a massive file transfer incident. Ironically, this data breach took place months early at the same time the DMV was also hacked through the use of the same software called MOVEit. In 2019, more than 645,000 Oregonians were impacted by a data breach at the Department of Human Services (ODHS). It included personal data such as social security numbers and personal health information protected under HIPPA.

Finally, this new voter registration for Oregon is not an opt out situation. Much like motor voter, it is automatic. However, this automatic registration and sharing of participants information includes personal and sensitive Medicaid information. Information that the individual may not want shared with the SOS, but they have no choice until the information is already shared to opt out of the voter registration program. Medicaid information that deserves the utmost privacy protections.

I strongly urge you to consider delaying the waiver to the State of Oregon for this data sharing until they can prove there is no other way to register these recipients AND that they can keep any data transferred by OHA to the SOS secure from breaches.

Regards,

A handwritten signature in black ink, appearing to read "Anna Scharf". The signature is fluid and cursive, with the first name "Anna" and last name "Scharf" clearly distinguishable.

Anna Scharf
Oregon House of Representatives
House District 23