



OFFICE OF THE DIRECTOR

Tina Kotek, Governor

Oregon  
Health  
Authority

500 Summer St. NE E-20

Salem, OR 97301

Voice: 503-947-2340

Fax: 503-947-2341

[www.oregon.gov/oha](http://www.oregon.gov/oha)

February 15, 2023

Representative Julie Fahey, Chair  
House Committee on Rules  
900 Court Street NE  
H-295 State Capitol  
Salem, OR 97301

Dear Chair Fahey and Members of the Committee:

The Oregon Health Authority (OHA) would like to provide information on the impacts of House Bill 2107 and the role of OHA. OHA has no position on HB 2107.

If passed, HB 2107 would require OHA to provide periodic electronic records to the Secretary of State containing individual-level data derived from information related to the Oregon Health Plan for the purpose of automatic voter registration. The format and frequency of data transfer would be determined through close coordination between the two organizations over the next four years, as well as through a community-centered rules process. Data would include legal name, age, residence, and, if available, copy of electronic signature, for all persons who may be eligible to be a qualified elector.

HB 2107 would provide additional supports including ease of registering to vote and eliminating any potential barriers to aging populations who may no longer drive, people with disabilities, younger populations, rural communities, economically disadvantaged populations, and others.

HB 2107 would not go into effect until January 1st, 2027, which would allow OHA and the Secretary of State's Office time to develop a process for sharing approved Medicaid data for the purpose of automatic voter registration. OHA and Oregon Department of Human Services collects Medicaid enrollment information including signatures, etc. using the ONE system. The same system would be used for the purpose outlined in HB 2107, as OHA Medicaid is already required to offer the opportunity to receive information about how to register to vote, under the National Voter Registration Act.

It is important to be aware that current federal law mandates that access to information concerning applicants or beneficiaries must be restricted to persons or agencies who are subject to standards of confidentiality. OHA and ODHS are required to receive explicit permission from applicants and beneficiaries to use their individual confidential data for purposes other than obtaining and accessing medical assistance. The Centers for Medicaid and Medicare (CMS) have not yet issued guidance to states related to sharing Medicaid data for the purpose of expanding automatic voter registration.

Member privacy and trust is critically important. In addition to complying with federal law, OHA is required to follow privacy practices that are outlined in Chapter 943, Division 14 rules which define information sharing, etc. OHA must obtain permission from a family or individual, whenever possible, before responding to a request for information from an outside source including another government body, unless the information is to be used to verify income or eligibility.

Upon passage of this bill, OHA and the Secretary of State would work closely with members and advocates through the rules process to plan and prepare for any future changes to federal law allowing data sharing for the purpose of automatic voter registration that may be issued by CMS in the coming years. If allowed by federal law, OHA would ensure that any transfer of member information would be limited to data that is necessary for the purpose of registering voters and would only include member data that has been preauthorized for sharing through the ONE system. The bill would only apply to U.S. citizens and would restrict OHA from providing any electronic records to the secretary demonstrating that a person is not a citizen of the United States.

Thank you,



James M. Schroeder  
Interim Director