

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1018 Session of  
2022

INTRODUCED BY AUMENT, YAW, MARTIN, ARGALL, BARTOLOTTA, ROBINSON,  
J. WARD, SCAVELLO, REGAN, BROOKS, PITTMAN, STEFANO, MASTRIANO  
AND PHILLIPS-HILL, JANUARY 20, 2022

REFERRED TO STATE GOVERNMENT, JANUARY 20, 2022

AN ACT

1 Amending Title 25 (Elections) of the Pennsylvania Consolidated  
2 Statutes, in registration system, providing for updating the  
3 SURE system; and making inconsistent repeals.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 25 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 1224. Updating the SURE system.

9 (a) Creation of new system.--The department shall begin the  
10 process for replacing the current SURE system. The new system  
11 shall incorporate all of the following improvements:

12 (1) Automated processes, including a hard stop, to  
13 prevent the inclusion of duplicate driver's license numbers.

14 (2) Automated processes in the replacement system for  
15 SURE to prevent the recording of obviously inaccurate date of  
16 births and voter registration dates.

17 (3) Current leading security features.

18 (b) Changes for new and existing system.--The department

1 shall incorporate the following information technology  
2 enhancements into the design of the replacement SURE system  
3 and implement some or all of the following enhancements into  
4 the current SURE system:

5 (1) A Geographic Information System feature and related  
6 enhancements that would check addresses to:

7 (i) Ensure the address is within the county  
8 identified on the application.

9 (ii) Ensure that electronic applications are  
10 forwarded to the correct county for processing.

11 (iii) In the case of paper applications, ensure that  
12 county staff can be immediately alerted if the address  
13 posted to SURE is not within the county listed on the  
14 application.

15 (2) An edit check that would alert or prevent county  
16 staff from approving applications that have non-Pennsylvania  
17 states or zip codes within the residential addresses.

18 (3) A read-only feature for certain data fields that  
19 typically do not change, including date of birth, driver's  
20 license number and Social Security number to prevent  
21 unintended edits. These fields may be edited only by  
22 designated management staff along with documenting the reason  
23 for the edit.

24 (4) A hard-stop feature in the SURE system that would  
25 prevent county staff from canceling voter records using  
26 unallowable codes within 90 days of an election.

27 (5) A declination notice to be automatically generated  
28 and mailed to individuals that are not currently registered  
29 to vote but submit a change of address request for their  
30 voter registration record. This will assist in notifying

1 those individuals that they are not registered to vote.

2 (6) The ability for department and county staff to build  
3 and run their own reports.

4 (c) Updates.--The department shall make the following  
5 updates to the SURE system:

6 (1) Require the provision of specific policies and  
7 direction from Federal authorities supporting the  
8 department's position in the event that the secretary  
9 believes the department cannot provide information due to  
10 security concerns.

11 (2) Evaluate the lists of voter registration records  
12 with the same driver's license numbers and potential  
13 duplicate cases provided by the Department of the Auditor  
14 General and work with the county election offices to  
15 investigate and eliminate the specific duplicate information  
16 identified during the audit.

17 (3) Perform additional data analysis and cleansing  
18 procedures and work with the counties to remove duplicate and  
19 incorrect data from the SURE system before migration into the  
20 replacement system for SURE.

21 (4) Evaluate and update, as needed, the instructions  
22 provided to the counties in the SURE job aids to ensure the  
23 instructions provide adequate guidance on how to check for  
24 duplicates in the SURE system or the replacement system for  
25 SURE.

26 (5) Work with the Department of Health to ensure the  
27 process is working properly regarding forwarding death  
28 records to the department with all relevant, appropriate and  
29 corrected information so that counties can evaluate the  
30 information and cancel the voter registrations of deceased

1 individuals.

2 (6) Ensure agreements with other agencies include  
3 requirements that vendors comply with all Commonwealth  
4 security policies and that the agencies update vendor  
5 contracts to include the most recent Department of General  
6 Services Information Technology's Contracts Terms and  
7 Conditions policy for security, confidentiality and audit  
8 provisions.

9 (7) Implement the security guidelines issued by the  
10 United States Department of Homeland Security, Cybersecurity  
11 and Infrastructure Security Agency in May 2019, entitled Best  
12 Practices for Securing Election Systems.

13 (8) Monitor vendors through a documented process that  
14 complies with Management Directive 325.13, Service  
15 Organization Controls, including documented reviews of  
16 service organization control reports.

17 (9) Collaborate with the Department of Transportation  
18 and Governor's Office of Administration, Office for  
19 Information Technology, to identify key contacts at each  
20 agency and delivery center who would provide oversight and  
21 evaluation of each service organization's internal controls.  
22 Specific consideration should be given to the following:

23 (i) Timely reviewing Service Organization Controls  
24 reports and documenting the assessment of the review.

25 (ii) Reviewing Service Organization Controls reports  
26 for noted exceptions that may affect department processes  
27 and follow up with the vendor's corrective action plans.

28 (iii) Reviewing Service Organization Controls  
29 reports' complementary user entity controls to ensure  
30 those controls are in place and operating effectively at

1 agencies or applicable sub-service organizations.

2 (iv) Ensuring Service Organization Controls report  
3 results are communicated to all affected agencies and  
4 escalation procedures exist when the report includes  
5 control objective exceptions, testing deviations or a  
6 qualified opinion.

7 (10) Update the SURE equipment use policy to address the  
8 risk of counties connecting county-owned equipment to the  
9 SURE system or deviating from the preferred architectural  
10 model.

11 (11) Ensure that all county users, including county  
12 administrators and vendors, review and sign an updated  
13 version of the SURE equipment use policy.

14 (12) Correct the reference to the SURE user and  
15 equipment policy on the SURE user ID request form to  
16 eliminate confusion as to policy requirements applicable to  
17 county users of the SURE system.

18 (13) Create a master list of all SURE system policies  
19 applicable to the counties and the county's information  
20 technology vendors, which clearly specifies the most recent  
21 approved versions for each policy.

22 (14) Emphasize to the counties the vital need and  
23 importance of having a second person review the data entered  
24 into SURE to reduce data entry errors and increase the  
25 accuracy of voter records.

26 (15) Request that legal counsel make a determination as  
27 to whether the department can:

28 (i) Direct the counties to review pending  
29 applications and reject them.

30 (ii) Establish a time period for requiring counties

1 to process, or reject if applicable, all applications  
2 placed into pending status.

3 (16) Instruct the counties to review the applications in  
4 pending status to determine if another application for the  
5 person has been approved which would then lead the county to  
6 reject the initial application currently in pending status.

7 (17) Develop detailed written procedures, including  
8 detailed processes to be performed and by whom, regarding the  
9 department monitoring the activities of the counties to  
10 ensure required processes are completed properly and timely.

11 (18) Instruct the counties that have not been updating  
12 the status of voters from active to inactive, for those  
13 voters who meet the criteria of an inactive voter, to perform  
14 list maintenance and update voters' status as necessary. The  
15 department shall determine the deadline for counties to  
16 complete this update. A formal reminder shall be sent to each  
17 county on the importance of the need to perform this type of  
18 list maintenance.

19 (19) Instruct the counties that have not been canceling  
20 the records of the inactive voters who meet the criteria for  
21 cancellation to perform list maintenance and update voters'  
22 status as necessary. The department shall determine the  
23 deadline for counties to complete this update. A formal  
24 reminder shall be sent to each county on the importance of  
25 the need to perform this type of list maintenance.

26 (20) Utilize information available from the Electronic  
27 Registration Information Center to assist in improving the  
28 accuracy of voter registration records.

29 (21) Forward information for the four voting records  
30 that contained non-Pennsylvania residential information to

1 the applicable counties for follow up and possible  
2 cancellation.

3 (22) Forward information for the 23 voting records that  
4 appeared to contain inaccurate non-Pennsylvania residential  
5 data to the specific counties to research or correct the  
6 state name or zip code within SURE.

7 (23) Formally remind counties of the need to properly  
8 code transactions when they cancel voter registrations as a  
9 result of list maintenance in order to reduce the number of  
10 cancellations with no reason code or incorrect reason codes.

11 (24) Continue to offer hands-on training on the SURE  
12 system and ensure that each county is made aware of the  
13 availability of this training.

14 (25) Update the applicable job aids as appropriate to  
15 reflect changes in processes, including added steps for  
16 identifying duplicate voters when processing applications or  
17 linking a Department of Health death record with a registered  
18 voter.

19 (26) Include an issued date on all job aids distributed  
20 to the counties and an indexed list of all job aids readily  
21 available on the department's publicly accessible Internet  
22 website to provide a reference as to which version of a job  
23 aid is the most current and the date of the revision.

24 (27) Provide guidance to the counties regarding the  
25 maximum length of time that an application can remain in  
26 pending status and how to appropriately determine whether the  
27 application should be approved or rejected, if it is  
28 determined that the department has the legal authority.

29 (d) Audits, studies and reviews.--The department shall  
30 implement the following:

1       (1) Require an annual independent audit of each part of  
2 the SURE system, supporting architecture and connected  
3 systems using a comprehensive framework of security standards  
4 which includes a test of the information technology's general  
5 controls, tests of cyber-security controls, vulnerability  
6 assessments and penetration testing. The following shall  
7 apply:

8           (i) Require that auditors have full and confidential  
9 access to all information and documents.

10          (ii) Require sufficient and appropriate evidence to  
11 back up assertions that the disclosure of certain  
12 information to auditing agencies is legally impossible.

13          (iii) Require counties, the Department of  
14 Transportation and other related agencies involved in  
15 voter registration to cooperate with future audits.

16          (iv) Require results of audits be provided to those  
17 in charge of the governance of the SURE system.

18       (2) After conducting cleansing procedures in preparation  
19 for migrating to the replacement system for SURE, perform  
20 periodic data analysis to ensure that duplicate records  
21 created in error are identified and removed from SURE in a  
22 timely manner.

23       (3) Evaluate the lists of voter records provided by DAG  
24 with a date of birth listed in SURE as January 1, 1800,  
25 January 1, 1900, or January 1, 1901, and who appear to be 100  
26 years of age or older and instruct the counties to determine  
27 the correct date of birth and ensure the record is still  
28 valid and the voter is not deceased.

29       (4) Evaluate the lists of potentially deceased voters  
30 provided by the Department of the Auditor General and



1 instruct the counties to investigate and take appropriate  
2 action to cancel deceased voters' records in SURE.

3 (5) Study the benefits of an additional periodic  
4 comparison of the cumulative file of deaths received from the  
5 Department of Health to records in SURE to identify any  
6 voters that may have been missed during past reviews. The  
7 department should consider performing the match using data  
8 analysis techniques and provide matching records to the  
9 counties for follow-up.

10 (6) Study the creation of an oversight body to regularly  
11 meet about the SURE system consisting of members with SURE  
12 system knowledge, relevant expertise and the appropriate  
13 independence to perform oversight duties. The secretary may  
14 appoint members who represent all key stakeholders of the  
15 SURE system, including the counties and the Governor's Office  
16 of Administration, Office for Information Technology.

17 (7) Study instituting the use of a form for counties to  
18 request and receive approval from the department for  
19 deviations from the approved network architectural model or  
20 the use of county-owned equipment.

21 (8) Study supplementing the data analysis by contracting  
22 with a third-party vendor to periodically perform analysis on  
23 the data in SURE to identify potentially inaccurate or  
24 missing data for the department or counties to investigate  
25 and resolve.

26 (9) Study working with the Department of Transportation  
27 to revise the voter registration process to ensure all  
28 required voter registration information is obtained when an  
29 individual requests to update an individual's voter  
30 registration address.

1       (10) Develop an effective audit trail for registration  
2 applications received through the Electronic Registration  
3 Information Center to enable either department or county  
4 election staff to review and confirm the accuracy of  
5 information in SURE to the original point of entry of  
6 information by the registrant in accordance with the  
7 following:

8           (i) (Reserved).

9           (ii) If the department is unable to implement this  
10 policy electronically, the department should develop a  
11 policy requiring county election staff to print out and  
12 scan into SURE voter registration related documents that  
13 are received through the Electronic Registration  
14 Information Center and attach the documents to the  
15 voter's record.

16       (11) Develop and issue a directive regarding records  
17 retention for SURE and work with the Pennsylvania Historical  
18 and Museum Commission to confirm that the County Records  
19 Manual regarding election records is entirely uniform with  
20 the SURE records retention directive to help ensure  
21 consistency of records retention amongst all the counties.  
22 The directive shall be in accordance with the following:

23           (i) The availability of source documentation for  
24 purposes of evaluating accuracy of the voter registration  
25 information by an external party must be considered.

26           (ii) The directive should be placed in a prominent  
27 location on the department's publicly accessible Internet  
28 website.

29           (iii) Require that the directive be sent at least  
30 yearly to all county election offices.

1           (12) Update the SURE regulations to ensure that the  
2           records are in accordance with the newly developed and  
3           distributed record retention policy and the updated  
4           Pennsylvania Historical and Museum Commission's County  
5           Records Manual.

6           Section 2. The department may promulgate rules and  
7 regulations to administer and enforce this act.

8           Section 3. The following acts and parts of acts are repealed  
9 insofar as they are inconsistent with this act:

10           (1) 25 Pa.C.S. § 1323(a) (1).

11           (2) 25 Pa.C.S. § 1328(c).

12           (3) 25 Pa.C.S. § 1401(c).

13           (4) 25 Pa.C.S. § 1402(b) (3).

14           (5) 25 Pa.C.S. § 1405(c).

15           (6) 25 Pa.C.S. § 1707.

16           (7) 25 Pa.C.S. § 1901(b) (1) (i).

17           Section 4. This act shall take effect in 60 days.