



MEMORANDUM

TO: The Pennsylvania Senate State Government Committee

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: April 5, 2022

RE: OPPOSITION TO SB 1018 P.N. 1331 (AUMENT)

Bill summary: [SB 1018](#) (PN 1331) would amend Title 25 (Elections) to implement certain recommendations proposed in the Pennsylvania Auditor General's 2019 [performance audit report](#) of the SURE system (Statewide Uniform Registry of Electors).

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose Senate Bill 1018.

SB 1018 includes provisions that are vague, unfunded, present security risks, and/or violate state and federal law.

- The requirement to reject voter registrations in “pending” status for HAVA (Help America Vote Act) non-match under (c)(15)(1) and (c)(16) violate federal and state law.¹
- Publicly posting the SURE job aids as directed under (c)(26) may pose a security risk. The more information available to hackers and other malign actors about how the system works, the greater the risk.
- At least one of the proposed security mandates in SB 1018 Section 1(a)(3) is not tied to any standard and therefore is too vague to be workable as a legal requirement.
- Finally, Section (d) of SB 1018 mandates that the Department of State comply with no fewer than 12 audits, studies, or reviews with no timelines and no funding to accomplish them.

SB 1018 mandates changes that are already operational.

The following mandates required by SB 1018 are already operational:

- Retaining source data for all electronic voter registration applications that provides an auditable trail;
- Adoption of industry best practices for cybersecurity of voter registration databases, including by the US Department of Homeland Security and the Cybersecurity and Infrastructure Security Agency. For example, [Best Practices for Securing Election Systems](#) are already encompassed in PA Department of State and Commonwealth policy; and
- Requiring hands-on training of the SURE system offered to all necessary county staff.

SB 1018 fails to account for changes made to the SURE system made since the release of the Auditor General's report in 2019.

SB 1018 does not account for steps taken since the PA Auditor General's [performance audit report](#) of the SURE system (Statewide Uniform Registry of Electors) was released in 2019. Specifically, the [SURE replacement contract](#) currently incorporates many of the Auditor General's recommendations, such as:

- Enabling GIS features to check addresses and assign precincts;

¹ See: [Directive Concerning Hava-Matching Drivers' Licenses or Social Security Numbers for Voter Registration Applications](#) (Pennsylvania Department of State, 2018); and [Washington Ass'n of Churches v. Reed](#), 492 F.Supp.2d 1264, 1268 (W.D. Wash. 2006).

- Requiring edit checks to prevent errors, such as approving out of state addresses for voter registration;
- Defining user role specifications and access limitations including read-only access;
- Inserting hard stops to ensure processes are followed and prevent actions outside of specified time frame such as cancellations within the 90-day NVRA ([National Voter Registration Act](#)) window;
- Granting user access for generating reports to improve efficiency; and
- Requiring data clean up before migration of data to the new SURE system.

The ACLU-PA supports policies that prioritize making the voter registration system as secure and accurate as possible and setting aside funding to accomplish those goals. Policy goals that could be addressed in legislation include, but are not limited to:

- Amending voter registration law to authorize full use of data reported from ERIC to clean up voter rolls;
- Providing real-time notifications to voters of status of registration applications, mail-in voting applications and mail-in ballot status;
- Improving data extraction and publication of relevant metrics for both internal and external stakeholders; and
- Treating requests for a change in registration as a new registration for voters who are not already registered.

For these reasons, we urge you to oppose Senate Bill 1018.