

PROPOSED RULEMAKING

DEPARTMENT OF STATE

[4 PA. CODE CHS. 182 AND 183]

Statewide Uniform Registry of Electors (SURE)

The Department of State (Department) proposes to add Chapter 183 (relating to establishment, implementation and administration of the Statewide Uniform Registry of Electors) and delete Chapter 182 (relating to Statewide central registry feasibility study). The act of January 31, 2002 (P. L. 18, No. 3) (act) provided for a new voter registration law, and repealed the Pennsylvania Voter Registration Act (PVRA) (25 P. S. §§ 961.501—961.5109). Most of the statutory provisions of the PVRA were renumbered or materially revised under the act. Section 1222(f) of 25 Pa.C.S. (relating to SURE system), requires a comprehensive package of regulations, including the promulgation of regulations necessary to establish, implement and administer the Statewide Uniform Registry of Electors (SURE) system.

The act also provides in 25 Pa.C.S. § 1222(e), that the Department will establish, by regulation, a schedule for each county voter registration commission to be connected to the SURE system. This proposal provides for that schedule. Additional regulations to comply with the requirements of 25 Pa.C.S. § 1222(f), will be proposed in the near future. The regulations regarding the implementation schedule are set forth in Annex A.

In addition to adding Chapter 183, the Department also makes two minor amendments to Part VIII. First, the Department corrects the title of Part VIII. Second, the Department deletes Chapter 182, which had provided for a Statewide Central Registry Feasibility Study. Although this study was conducted, the enactment of the act no longer requires regulations for a feasibility study.

Section 2 of the act provides that the promulgation of these regulations is exempt from section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732-204(b)), and is exempt from the Regulatory Review Act (71 P. S. §§ 745.1—745.14). Public comment is requested in accordance with section 201(4) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1201(4)), known as the Commonwealth Documents Law.

Purpose

The purpose of this proposed rulemaking is to establish a schedule for each county voter registration commission to be connected to the SURE system, as required by 25 Pa.C.S. § 1222(e). The chapter first defines the categories of the counties to be connected to the SURE system in § 183.1. In § 183.2, the regulation sets forth the schedule for each category of county to be connected to the SURE system.

In developing the schedule for connection to the SURE system, the Department seeks to maximize the accuracy, integrity and protection of registration records on a statewide basis in accordance with 25 Pa.C.S. § 1222(e).

Paperwork Requirements

Paperwork requirements will not be substantially altered as a result of the proposed regulation.

Regulatory Review

Section 2 of the Act provides that the promulgation of these regulations is exempt from section 204(b) of the Commonwealth Attorneys Act, and is exempt from the Regulatory Review Act.

Public Comment

Individuals are invited to submit comments in accordance with section 201(4) of the Commonwealth Documents Law. Comments shall be sent within 10 calendar days to L. Lawrence Boyle, Deputy Chief Counsel, Pennsylvania Department of State, 302 North Office Building, Harrisburg, PA 17120 or e-mail at lboyl@state.pa.us.

C. MICHAEL WEAVER,
Secretary of the Commonwealth

Fiscal Note: 16-30. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART VIII. BUREAU OF [LEGISLATION, COMMISSIONS AND ELECTIONS] COMMISSIONS, ELECTIONS AND LEGISLATION

Subpart D. ELECTIONS

CHAPTER 182. [STATEWIDE CENTRAL REGISTRY FEASIBILITY STUDY] (Reserved)

§ 182.1. [Definitions] (Reserved).

[The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Pennsylvania Voter Registration Act (25 P. S. §§ 961.101—961.51-7).

Department—The Department of State of the Commonwealth.

Secretary—The Secretary of the Commonwealth.

Central registry—A database containing voter registration information.]

§ 182.2. [Procedure] (Reserved).

[(a) Section 301(3) of the act (25 P. S. § 961.301(3)) requires the Secretary to prescribe a procedure to conduct a study of the technological needs and other aspects of the development and implementation of a Statewide central registry. This study will be performed by an independent contractor. The contractor will be selected through competitive requests for proposals utilizing the procedures delineated in the Commonwealth of Pennsylvania's Contracting for Services Manual, Management Directive M215.1 (as amended).

(b) Copies of Management Directive M215.1 (as amended) may be obtained by writing to the Department of State, Bureau of Legislation, Commissions and Elections, 304 North Office Building, Harrisburg, Pennsylvania 17120.]

(*Editor's Note:* The following Subpart is new and is printed in regular text to enhance readability.)

Subpart E. STATEWIDE UNIFORM REGISTRY OF ELECTORS (SURE)

CHAPTER 183. ESTABLISHMENT, IMPLEMENTATION AND ADMINISTRATION OF THE SURE

Sec.

183.1.

Definitions.

183.2.

Schedule for connection to the SURE system.

§ 183.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context indicates otherwise:

Group 1 counties—Armstrong, Dauphin, Fayette, Franklin, Greene, Perry, Somerset, Washington and Westmoreland Counties.

Group 2 counties—Carbon, Luzerne, Monroe, Montgomery, Pike, Schuylkill and Wayne Counties.

Group 3 counties—Chester, Delaware, Juniata, Lehigh, Mifflin, Northampton and Philadelphia Counties.

Group 4 counties—Bedford, Berks, Blair, Centre, Lancaster, Lebanon and York Counties.

Group 5 counties—Clinton, Columbia, Fulton, Huntingdon, Lycoming, Snyder and Union Counties.

Group 6 counties—Bradford, Crawford, Elk, Lackawanna, Montour, Potter, Sullivan, Susquehanna and Wyoming Counties.

Group 7 counties—Clarion, Erie, Forest, Lawrence, Mercer, Tioga, Venango and Warren Counties.

Group 8 counties—Cambria, Cameron, Clearfield, Indiana, Jefferson, McKean, and Northumberland Counties.

Phase 1 counties—Adams, Butler and Cumberland Counties.

Phase 2 counties—Allegheny and Bucks Counties.

Phase 3 counties—Group 1 counties, Group 2 counties, Group 3 counties, Group 4 counties, Group 5 counties, Group 6 counties, Group 7 counties and Group 8 counties.

§ 183.2. Schedule for connection to the SURE system.

(a) Phase 1 counties shall be connected to the SURE system by December 31, 2002.

(b) Phase 2 counties shall be connected to the SURE system by the May 20, 2003, municipal primary.

(c) Phase 3 counties shall be connected to the SURE system by the November 4, 2003, municipal election. Phase 3 counties shall be connected in the following order:

- (1) Group 1.
- (2) Group 2.
- (3) Group 3.
- (4) Group 4.
- (5) Group 5.
- (6) Group 6.
- (7) Group 7.
- (8) Group 8.

[Pa.B. Doc. No. 02-2145. Filed for public inspection November 27, 2002, 9:00 a.m.]

forth in Annex A. This proposed rulemaking sets forth the estimation procedures to be used by the Treasury when a holder of unclaimed property has insufficient records to determine its actual amount of liability.

Effective Date

The proposed rulemaking will be effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

Under section 1301.26(b) of The Fiscal Code (act) (72 P. S. § 1301.26(b)), the Treasury is required to promulgate regulations regarding estimation calculations that the Treasury may use, under section 1301.23(b) of the act (72 P. S. § 1301.23(b)), if a holder of unclaimed property has insufficient records to conduct an examination as authorized under section 1301.23(a) of the act.

Background and Purpose

Although holders of unclaimed property should maintain records to account for their liability, the Treasury routinely encounters holders who maintain partial or no records prior to an examination by the Treasury. Therefore, it is necessary for the Treasury to estimate this liability when holders cannot have their unclaimed property liability determined due to a lack of, or inadequate, recordkeeping.

Description of Proposed Amendment

The proposed rulemaking would add § 951.8 to authorize the Treasury to apply estimation calculations when records are insufficient to conduct an examination as authorized under section 1301.23 of the act.

The proposed rulemaking is necessary to encourage better recordkeeping regarding unclaimed property within the holder community to ensure that rightful owners are notified of their right to claim this property in the custody of holders.

The proposed rulemaking is limited in its application and would not be authorized when records are available to conduct an examination by the Treasury.

Fiscal Impact and Paperwork Requirement

The proposed rulemaking will have no fiscal impact on the Commonwealth or its political subdivisions. Furthermore, the proposed rulemaking is not anticipated to require any legal requirements, or create any additional accounting, reporting or other paperwork not currently being performed by the Treasury during its examinations of holders.

Sunset Date

The Treasury continuously monitors the cost effectiveness of its regulations and, therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. §§ 745.5(a)), on November 18, 2002, the Treasury submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Standing Committees (Committees). Also, the Treasury has prepared and provided IRRC and the Committees with a detailed Regulatory Analysis Form (RAF). A copy of this RAF is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Treasury within 10 days of

TREASURY DEPARTMENT

[61 PA. CODE CH. 951]

Estimation Calculations for Determining Unclaimed Property Liability

The Treasury Department (Treasury) proposes to add § 951.8 (relating to estimation calculations) to read as set

the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Treasury, the General Assembly and the Governor of objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Carole Huberman-Talerico, CPA, Director, Pennsylvania Treasury Department, Bureau of Unclaimed Property, Riverfront Office Center, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104, within 30 days of publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

BARBARA HAFER,
State Treasurer

Fiscal Note: 64-3. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART VIII. TREASURY DEPARTMENT

CHAPTER 951. ABANDONED AND UNCLAIMED PROPERTY

§ 951.8. Estimation calculations.

(a) A holder subject to an examination of records as provided for in section 1301.23(a) of The Fiscal Code (72 P. S. § 1301.23(a)) is required to comply with requests by the State Treasurer or an authorized third party to make records available for examination.

(b) When no holder's records exist or when a holder's records are insufficient for examination, the State Treasurer may apply sampling and estimation procedures to determine a holder's liability. Sampling and estimation procedures shall be applied in accordance with standards of the American Institute of Certified Public Accounts and the United States General Accounting Office.

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