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Exempt Action: Final Regulation Agency Background Document

Agency name	Department of Elections
Virginia Administrative Code (VAC) Chapter citation(s)	1 VAC 20 – 20 – 30
VAC Chapter title(s)	General Administration
Action title	Quorum Definition; Amendment to 1VAC20-20-30
Final agency action date	8/3/2021
Date this document prepared	8/6/2021

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Pursuant to the Virginia Freedom of Information Act § 2.2-3701, a meeting is defined as “when sitting physically, or through electronic communication means pursuant to § [2.2-3708.2](#), as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three . . .” Due to the increase in membership of the State Board of Elections from three members to five members, the definition of a quorum must be amended in the Board’s regulatory code from “two” to “three”.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The General Assembly passed HB 236 during the 2020 General Assembly session. This bill amended Va. Code § 24.2-102 which increased the membership of the State Board of Elections from three members to five members.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The State Board of Elections unanimously approved this amendment to 1VAC20-20-30, Organization of State Board of Elections; seal., on August 3, 2021.