



Virginia
Regulatory
Town Hall
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Periodic Review Including Small Business Impact Findings Agency Background Document

Agency name	State Board of Elections
Virginia Administrative Code (VAC) citation	1 VAC 20-90-20
Regulation title	Filing Fee
Document preparation date	09.04.2013

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

2010 Acts Ch. 874, Item 79(D) (2010-2012 Budget) directed the State Board of Elections to adopt a regulation providing a \$25 filing fee for nonelectronic filing with a waiver for indigence. The proposed regulation was filed in the Town Hall and certified by the Attorney General in 2010, then approved by the Governor and published as final in 2012. On May 15, 2013, the Board announced a periodic review of all of its regulations pursuant to Regulation 20-10-120 calling for a review of all regulations after each presidential election. The public comment period for Chapter 9 opened June 3, 2013, and closed June 24, 2014. One comment was received. The Board at its meeting on August 23, 2013, approved the staff recommendation to retain this regulation without change.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

None. The regulation is a legislative mandate.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
W.T. Latham	Defining term in 1 VAC 20-90-20 Unless there is clarifying language elsewhere, I suggest defining "indigent" in SBE portions of the Administrative Code by reference to the scheme established in Va. Code 19.2-159. This would provide more consistent application of indigence determinations throughout state government.	No amendment appears needed at this time. No known demand to apply this exception in particular cases. Standards used in other areas can be considered without formal regulatory mandate and added if experience makes appropriate.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The regulation mandated by legislation meets the criteria of EO 14; the regulation is clearly written and easily understandable. Campaign finance staff reports that no filings subject to the regulation have been received. The regulation promotes efficiency by encouraging electronic filing and appears to be working.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The State Board at its meeting on August 23, 2013, approved the staff recommendation that this regulation should remain in effect without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

No filings subject to the regulation have been received. The regulation promotes efficiency by encouraging electronic filing and appears to be working.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

None.