



## Exempt Action Proposed Regulation Agency Background Document

<b>Agency name</b>	State Board of Elections
<b>Virginia Administrative Code (VAC) citation</b>	1 VAC 20-40-80
<b>Regulation title</b>	Applications for Voter Registration on Federal Post Card Application
<b>Action title</b>	FPCA for Registration
<b>Document preparation date</b>	5.26.2011

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of The Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

Recent federal and state legislation encourages states to increase electronic access to registration and voting for absent military and overseas citizens. Virginia is under a federal consent decree through at least 2012 due to failure to timely send absentee ballots in the past. Historically, a 1970 Board policy (1970-001) has been interpreted to require that in addition to an emailed or faxed Federal Post Card Application (FPCA), absent military and overseas citizens needing to register must also mail their signed FPCA to the local voting official. State law allows these voters to fax or email their ballot requests directly to the local official, but is silent whether the FPCA when also needed for registration must be snail mailed as well. The proposed regulation eliminates this requirement to make voting earlier for this class of voters who face time and distance difficulties in voting.

### Family impact

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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This regulation will make absentee voting easier for eligible active duty military and their families.

### Public participation

***Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.***

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The agency is seeking comments on the proposed regulatory action, including but not limited to improving clarity and utility to applicants and election officials.

Anyone wishing to submit comments may do so **at the public hearing scheduled for 2:00 p.m. July 6, 2011, State Capitol, House Rm. 2**, or via the Regulatory Townhall website, [www.townhall.virginia.gov](http://www.townhall.virginia.gov) or by mail, email, or fax to Martha Brissette, Policy Analyst, 1100 Bank St., Richmond, VA 23291, 804.864.8925, 804.786.0760 (fax), [martha.brissette@sbe.virginia.gov](mailto:martha.brissette@sbe.virginia.gov). Written comments must include the name and address of the commenter. In order to be considered, written comments must be received by the last day of the public comment period.

A public hearing will be held and notice of the hearing may be found on the Virginia Regulatory Town Hall website ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.