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Exempt Action Proposed Regulation Agency Background Document

Agency name	Department of Elections
Virginia Administrative Code (VAC) citation(s)	1 VAC 20-80-20
Regulation title(s)	Recounts and Contested Elections
Action title	Chapter 80 Periodic Review
Date this document prepared	3-16-16

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is still 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 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The State Board of Elections is proposing amendments to one regulation on recounts and contested elections to implement recommendations received during its periodic review announced May 15, 2013, pursuant to 1 VAC 20-10-120, and to include statutory changes made in the intervening period. The comment period for Chapter 80 opened on June 3, 2013, and closed June 24, 2013. The Board did not take any further action on the matter after the conclusion of the comment period.

The current action to seek public comment is an effort to finalize the periodic review. The standards the Board previously relied on have changed through legislation. It is because of this that the proposed regulations differ from the versions previously considered by the Board. The predominate substantive

difference includes moving duties associated with the Secretary of the State Board of Elections to the Commissioner of the Department of Elections.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

None.

Periodic review/small business impact review announcement

If you wish to use this exempt proposed stage to announce a periodic review (§ 2.2-4017 & EO-17 (2014)) and a small business impact review (§ 2.2-4007.1) of this regulation, keep the following text. Modify as necessary for your agency. Otherwise, delete this section.

The current action is the continuation of an already established periodic review, and thus the findings will be reported with the finalized version that takes into consideration public comment.

Periodic review/small business impact review report of findings

This section may be used to report the results of a periodic review/small business impact review. Otherwise, delete this section.