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Exempt Action Proposed Regulation Agency Background Document

Agency name	The Department of Elections
Virginia Administrative Code (VAC) citation(s)	1VAC20-50
Regulation title(s)	Candidate Qualification
Action title	Candidate Filings for Special Elections
Date this document prepared	11/04/2019

While 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 (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please 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.

The purpose of this regulation is to provide guidance to general registrars regarding the acceptance of candidate qualification documents as required by Chapter 5 of Title 24.2 of the Code of Virginia. This regulation clarifies that for special elections scheduled at a time other than May or November, a person may not submit candidate qualification documents until the issuance of the writ by the appropriate authority. Currently, ELECT regulations and the Code of Virginia are silent as to when candidate qualifications documents may be submitted for special elections occurring in months other than May and November.

Mandate and Impetus

Please 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, board decision, etc.). "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government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

N/A

**Periodic Review
Small Business Impact Review Announcement**

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”

N/A