



Form: TH-09

Virginia Regulatory Town Hall

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Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Elections
Virginia Administrative Code (VAC) citation	1VAC20-60-40
Regulation title	When Absentee Ballot Cast
Action title	Amends Board regulation defining when ballot cast to address an absentee ballot cast other than in person.
Final agency action date	5/3/2012, effective when precleared
Document preparation date	5/7/2012

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia 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.

This action amends existing regulations defining when a ballot is cast for purposes of counting votes as required by the Help America Vote Act of 2002, 42 USC 15481(a)(6) and 15482(b)(2) to address absentee ballots cast other than in person. This definition also affects application of statutory prohibitions on voting more than once in an election. Va. Code §24.2-1004(B), 42 USC 1973i(e).

Statement of final agency action

Please 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 Elections at its meeting on May 3, 2012, approved the amendment to the regulation titled When ballot cast and directed that the amended regulation be submitted for preclearance as required by § 5 of the Voting Rights Act before the regulation takes effect.

Family impact

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

None.