

Office of Regulatory Management
Economic Review Form

Agency name	Department of Elections
Virginia Administrative Code (VAC) Chapter citation(s)	1VAC 20-90-40
VAC Chapter title(s)	Campaign Finance and Political Advertisements
Action title	Disclosure statement requirements; print media advertisement
Date this document prepared	3/4/2024
Regulatory Stage (including Issuance of Guidance Documents)	Proposed

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: The new regulation may increase the number of violations and increase the amount of money spent on postage to send out violation notices.</p> <p>Indirect Costs: No indirect cost</p> <p>Direct Benefits: The new regulation may increase the amount of fees collected.</p> <p>Indirect Benefits: No indirect benefit</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$5.65 per certified mailed violation notice	(b) \$100 for first-time violation and \$300 thereafter for statewide and General Assembly offices. \$50 for first-time violation and \$100 thereafter for local or constitutional offices.
(3) Net Monetized Benefit	<p>\$94.35 for a first-time violation for a statewide or General Assembly office. \$44.35 for a first-time violation for a local or constitutional office. Fees collected due to Stand By Your Ad violations are sent to the State Treasurer to be added to the general fund.</p>	
(4) Other Costs & Benefits (Non-Monetized)	<p>If the regulation increases the number of violations, ELECT staff will have to dedicate more time process and review violations of Stand By Your Ad.</p>	
(5) Information Sources	<p>ELECT staff, Campaign Finance Law Summaries</p>	

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: No change in direct costs.</p> <p>Indirect Costs: No change in indirect costs.</p> <p>Direct Benefits: No change in direct benefits.</p> <p>Indirect Benefits: No change in indirect benefits.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits

	(a) \$5.65 per certified mailed violation notice	(b) \$100 for first-time violation and \$300 thereafter for statewide and General Assembly offices. \$50 for first-time violation and \$100 thereafter for local or constitutional offices.
(3) Net Monetized Benefit	\$94.35 for a first-time violation for a statewide or General Assembly office. \$44.35 for a first-time violation for a local or constitutional office. Fees collected due to Stand By Your Ad violations are sent to the State Treasurer to be added to the general fund.	
(4) Other Costs & Benefits (Non-Monetized)	ELECT staff will continue to review and process Stand By Your Ad violations as complaints are filed.	
(5) Information Sources	ELECT staff, Campaign Finance Law Summaries	

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: No change in direct costs</p> <p>Indirect Costs: No change in indirect costs</p> <p>Direct Benefits: No change in direct benefits</p> <p>Indirect Benefits: No change in indirect benefits</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$5.65 per certified mailed violation notice	(b) \$100 for first-time violation and \$300 thereafter for statewide and General Assembly offices. \$50 for first-time violation and \$100 thereafter for local or constitutional offices.
(3) Net Monetized Benefit	\$94.35 for a first-time violation for a statewide or General Assembly office. \$44.35 for a first-time violation for a local or constitutional office. Fees collected due to Stand By Your Ad violations are sent to the State Treasurer to be added to the general fund.	
(4) Other Costs & Benefits (Non-Monetized)	ELECT staff will continue to review and process Stand By Your Ad violations as complaints are filed.	

(5) Information Sources	ELECT staff, Campaign Finance Law Summaries
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Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: No direct cost Indirect Costs: No indirect cost Direct Benefits: No direct benefit Indirect Benefits: No indirect benefit	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Other Costs & Benefits (Non-Monetized)	General registrars and local Electoral Boards will be able to quickly cite a regulation for print media to candidates and voters who have questions about disclosure statements.	
(4) Assistance	No assistance needed as State Board of Elections has sole jurisdiction to assess penalties for Stand By Your Ad violations.	
(5) Information Sources	ELECT staff	

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: No direct cost Indirect Costs: No indirect cost Direct Benefits: No direct benefits
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	Indirect Benefits: No indirect benefits	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Other Costs & Benefits (Non-Monetized)	This campaign finance regulation will neither harm nor benefit families.	
(4) Information Sources	ELECT staff	

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: No direct cost</p> <p>Indirect Costs: No indirect cost</p> <p>Direct Benefits: No direct benefit</p> <p>Indirect Benefits: May generate business for small printing businesses as this will cause candidates and campaigns to make new print media in compliance with the regulation.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) For example, average cost of a yard sign is \$11. Depending on how many a candidate or campaign wishes to create, small printing businesses may receive more business.
(3) Other Costs & Benefits (Non-Monetized)	If there is an increase demand for new print media for candidates and campaigns, small printing businesses may hire more employees.	
(4) Alternatives	No alternatives as State Board of Elections required to promulgate a regulation.	

(5) Information Sources	ELECT staff
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Changes to Number of Regulatory Requirements

Table 5: Regulatory Reduction

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	5	5	0	5
	(D/R):	0	0	0	0
Grand Total of Changes in Requirements:					(M/A):0 (D/A):0 (M/R):5 (D/R):0

Key:

Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:

(M/A): Mandatory requirements mandated by federal and/or state statute affecting the agency itself

(D/A): Discretionary requirements affecting agency itself

(M/R): Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

(D/R): Discretionary requirements affecting external parties, including other agencies

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved*	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved*	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden

<p>1VAC20-90-40</p>	<p>Disclosure statements for printed media advertisements must be clear and conspicuous, meaning easy to read and not easily overlooked; for media advertisements 24 inches by 36 inches or smaller, 12-point type meets the requirement. Disclosure must be contained within a printed box and have a reasonable degree of color contrast. The disclosure does not need to be on the front except where advertisement only has front face, such as a billboard. An advertisement that would require a disclosure, if distributed separately, that is included in a package of materials, must contain the disclosure.</p>	<p>This would be an increased regulatory burden for candidates and campaigns. Candidates and campaigns may have to create and purchase new printed media that has a disclosure statement that meets the new standard.</p>
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