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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Elections; Department of Elections
Virginia Administrative Code (VAC) Chapter citation(s)	1VAC20-10
VAC Chapter title(s)	Public Participation Guidelines
Date this document prepared	12/1/2021

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the **Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code**.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"ELECT" means the Department of Elections

"SBE" means the State Board of Elections

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The SBE is granted the authority to promulgate regulations pursuant to §24.2-103 and Title 24.2 of the Code of Virginia. The SBE, through ELECT, shall supervise and coordinate the work of the county and

city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections. The SBE is instructed to make rules and regulations and issue instructions and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws.

§ 2.2-4007.02 of the Code of Virginia requires the SBE to promulgate guidelines necessary to soliciting the input of interested parties in the formation and development of its regulations.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

ELECT has determined that this regulation is the least burdensome alternative to meet the purposes set out by the statutes. The alternatives considered by SBE included:

1. Amend the regulation: This option was not selected because no issues were identified that require making changes to the regulation.
2. Retain the regulation without amendment: This option was selected as no issues were identified that require making changes to the regulation.
3. Repeal the regulation. This option was not selected because the regulation is still needed to obtain uniformity in practices and proceedings and legality and purity in all elections.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
Rich Anderson	Ensuring Free and Fair Elections	The agency appreciates the commenter's feedback and participation in the periodic review of this regulation.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

ELECT has determined that this regulation is necessary to ensure the agency's stakeholders are aware of the requirements for publicly participating in the regulatory process. The regulation is clearly written and easily understandable.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

ELECT recommends that this regulation stay in effect without change.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

As discussed above, this regulation is mandated by statute. ELECT has determined this regulation is effective as currently written and does not burden small businesses. There are no known overlaps or conflicts with federal or state law.
