



## Exempt Action Proposed Regulation Agency Background Document

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| <b>Agency name</b>                                 | State Board of Elections   |
| <b>Virginia Administrative Code (VAC) citation</b> | 1 VAC 20-60-40(E)  |
| <b>Regulation title</b>                            | When Absentee Ballot Cast and Voted.                                   |
| <b>Action title</b>                                | When an absentee ballot cast other than in person is considered voted. |
| <b>Document preparation date</b>                   | 3.20.2012  |

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

Existing regulations define 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). 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)).

### Family impact

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

None.

## Public participation

***Please indicate whether the agency is seeking comments on the proposed regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.***

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The agency is seeking comments on the proposed regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on voters, candidates and political parties. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected voter, candidates and political parties, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

**Persons wishing to submit comments are encouraged to do electronically from April 9, 2012, through April 30, 2012, using the Regulatory Townhall website, [www.townhall.virginia.gov](http://www.townhall.virginia.gov), or by mail, email, or fax to Martha Brissette, Policy Analyst, 1100 Bank St., Richmond, VA 23291, 804.864.8925, 804.786.0760 (fax), [martha.brissette@sbe.virginia.gov](mailto:martha.brissette@sbe.virginia.gov) Anyone wishing to submit comments may also do so at a public meeting scheduled for May 3, 2012, at 2:00 p.m., House Room C, General Assembly Building Richmond, Virginia. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last day of the public comment period.**