



Form: TH-08

# Virginia Regulatory Town Hall

townhall.virginia.gov

## Exempt Action Proposed Regulation Agency Background Document

<b>Agency name</b>	State Board of Elections
<b>Virginia Administrative Code (VAC) citation</b>	1 VAC 20-60-40
<b>Regulation title</b>	When ballot cast
<b>Action title</b>	Incorporate statutory requirements into regulation on when a ballot is cast
<b>Document preparation date</b>	5.14.2012

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.*

Senate Bill 1027 included a provision that allows an officer of election to cause a machine to accept an optical scan ballot that was rejected due to an overvote. The action allowed within this legislation is directly counter to a regulation currently enforced within the Commonwealth, 1VAC20-60-40.

The changes currently being considered provide an exception to the general rule that a ballot may only be cast by a voter or an officer of election who has been specifically directed to do so by the voter.

### Family impact

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

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None.

### Public participation

***Please indicate whether the agency is seeking comments on the intended 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.***

The agency is seeking comments on the proposed regulatory action, including but not limited to improving clarity and utility to voters and election officials.

Anyone wishing to submit comments may do so **at the public hearing scheduled for 10:00 a.m. June 25, 2013, General Assembly Building, House Rm. C. Interested persons are encouraged to submit comments online using the** Regulatory Town Hall website from June 3 through June 21, 2013, [www.townhall.virginia.gov](http://www.townhall.virginia.gov) or by mail, email, or fax to Myron McClees, Policy Analyst, 1100 Bank St., Richmond, VA 23219, 804.864.8949, 804.786.0760 (fax), [Myron.mcclees@sbe.virginia.gov](mailto:Myron.mcclees@sbe.virginia.gov) Written comments must include the name and address of the commenter. In order to be considered, written comments must be received by the last day of the public comment period.

A public hearing will be held and notice of the hearing may be found on the Virginia Regulatory Town Hall website ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

