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## Exempt Action Proposed Regulation Agency Background Document

<b>Agency name</b>	Department of Elections
<b>Virginia Administrative Code (VAC) citation(s)</b>	1 VAC 20-60-30, 1 VAC 20-60-40, 1 VAC 20-60-50
<b>Regulation title(s)</b>	Electronic Devices in Polling Place, When Ballot Cast, Overfull Optical Scan Ballot Container
<b>Action title</b>	Periodic Review Election Administration
<b>Date this document prepared</b>	3-16-16

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is still 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 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The State Board of Elections is proposing amendments to three regulations on election administration to implement recommendations received during its periodic review announced May 15, 2013, pursuant to 1 VAC 20-10-120, and to include statutory changes made in the intervening period. The comment period for Chapter 60 opened on June 3, 2013, and closed June 24, 2013. The staff presented comments received and proposed changes to the regulations to the Board at its meeting on December 2, 2013. The Board approved inviting comments on further changes through Town Hall at that time. The second comment period lasted from December 30, 2014 to January 8, 2014, and did not receive any comments. The Board did not take any further action on the matter at that time.

The current action to seek public comment is an effort to finalize the periodic review. The standards the Board previously relied on have changed through legislation and important court cases. It is because of this that the proposed regulations differ from the versions previously considered by the Board. The predominate substantive difference includes permitting voters to use cameras and audiovisual recording devices inside the polling place. Also, transferring ballots in an overfull optical scan ballot container is to be conducted by two persons “not representing the same political party” as opposed to two officers of election “representing both political part[ies].”

### Family impact

*Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

None.

### Periodic review/small business impact review announcement

*If you wish to use this exempt proposed stage to announce a periodic review (§ 2.2-4017 & EO-17 (2014)) and a small business impact review (§ 2.2-4007.1) of this regulation, keep the following text. Modify as necessary for your agency. Otherwise, delete this section.*

The current action is the continuation of an already established periodic review, and thus the findings will be reported with the finalized version that takes into consideration public comment.

### Periodic review/small business impact review report of findings

*This section may be used to report the results of a periodic review/small business impact review. Otherwise, delete this section.*