



Form: TH-09

Virginia Regulatory Town Hall

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Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Elections
Virginia Administrative Code (VAC) citation	1VAC20-40-10 1VAC20-40-90
Regulation title	Definitions Voter Photo Identification Cards
Action title	Proposed Regulation on Voter Photo Identification Document
Final agency action date	6/10/2014
Document preparation date	6/10/2014

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

The General Assembly passed legislation in 2013 (SB 1256) that requires all individuals voting in-person to show a photo identification document prior to casting a regular ballot. Concomitant with this requirement was the duty of the State Board of Elections to assist general registrars in providing free photo identification to voters that do not possess one of the requisite forms of identification. The bill included a delayed implementation date of July 1, 2014.

A proposed regulation was presented before the board during its April 2, 2014 meeting. It provided, *inter alia*, the situations where a voter could request the card and the requirements that one must meet prior to its issuance. The regulation gave general registrars the capability of soliciting applications for the ID outside of their general registrar's office, but did not require such action take place. It provided guidance for the issuance of a temporary identification document and for replacement cards. The regulation also contained a provision stating that a person's inclusion in the Department of Motor Vehicle's database would not exclude such person from receiving a Voter Identification Card.

Statements received during the comment period were provided to the Board during its May 14, 2014 meeting in hopes of alerting its membership to public sentiment. Staff asked that the Board provide guidance as to suggested edits for the final version of the regulation.

The final version of the document was presented to the Board during its June 10, 2014 meeting. It included an expanded definition of a "valid" identification card and it also gives the Department of Elections the capability of processing voters' applications for a Photo Identification Card. In addition to changes recommended by the Board, staff has provided recommendations for consideration, including:

- The capability of an assistant to fill out the application for the voter (so long as the voter himself signs or marks the application);
- Issuance of temporary identification documents during the canvass period (only from the general registrar's office for locality where the voter resides);
- Applications must be offered and processed at all permanent satellite offices established within the localities;
- The application for a Voter Photo Identification Card is made available for public inspection after redaction of the social security number and month and day of birth.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The State Board Elections at its meeting on June 10, 2014, approved the amendment of regulation 1VAC20-40-10 and the creation of regulation 1VAC20-40-90.

Family impact

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

None.