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Exempt Action: Proposed Regulation Agency Background Document

Agency name	State Board of Elections
Virginia Administrative Code (VAC) Chapter citation(s)	1 VAC 20-60-50
VAC Chapter title(s)	Election Administration
Action title	Secure Process for Overfull Optical Scan Machines at the General Registrar's Office
Date this document prepared	08/11/2020

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, 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*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This regulatory action amending 1VAC 20-60 addresses an issue raised to the Department of Elections by the General Registrar community. Registrars face special issues regarding overfull optical scan ballot containers at the general registrar's office, where voting is conducted for forty-five days rather than just Election Day itself and at satellite locations. Registrars have requested that the Department of Elections provide an alternative process for dealing with overfull optical scan ballot containers at the general registrar's office and satellite locations. This regulatory action provides an alternative process that will continue to keep the overflow ballots safe and secure.

Mandate and Impetus

Identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Decision by State Board of Elections.