



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	State Board of Elections
<b>Virginia Administrative Code (VAC) citation</b>	1 VAC 20-60-60
<b>Regulation title</b>	Provisional Votes
<b>Action title</b>	This adopted regulation concerns local registrars contacting provisional voters.
<b>Final agency action date</b>	6/26/2012
<b>Document preparation date</b>	8/24/2012

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.*

This adopted regulation allows the general registrars or electoral board to contact provisional voters who failed to provide identification in order to remind them that they may provide a copy of the required identification no later than noon on the Friday after Election Day. Contacting the provisional voter is not a requirement.

This regulation was passed at the request of Governor McDonnell. The Governor's Executive Order #45, which signed the voter ID legislation into law specifically called for such action to be taken by SBE. Executive Order #45, along with the legislative changes were precleared by the Department of Justice on August 20, 2012.

**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.*

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The State Board Elections at its meeting on June 26, 2012, approved the regulation titled Provisional Votes and directed that the regulation be submitted for preclearance as required by § 5 of the Voting Rights Act before the regulation takes effect. Preclearance was granted on August 20, 2012.

**Family impact**

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

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None