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Exempt Action: Final Regulation Agency Background Document

Agency name	Department of Elections
Virginia Administrative Code (VAC) Chapter citation(s)	1 VAC20-20-90
VAC Chapter title(s)	General Administration
Action title	Required training for Virginia voter registration system users
Final agency action date	11/16/2022
Date this document prepared	12/08/2022

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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 is a new regulation pursuant to §24.2-410.2 Security of the Virginia Voter Registration System, in which the State Board of Elections is required to “promulgate regulations and standards necessary” to ensure the security of the Virginia voter registration system (VERIS). This law also requires the Department of Elections to limit access to VERIS to address and resolve security risks, or enforce compliance with the Locality Election Security Standards.

This regulation requires that all VERIS users be required to participate in a Security Awareness Training program.

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). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

As per its charter, the Voter Registration System Security (VRSS) Advisory Group is asked to provide recommendations and insight to the Board to heighten the security of VERIS and supporting technologies. The VRSS recommended the State Board of Elections enact a regulation requiring that all VERIS users be required to participate in a Security Awareness Training program provided by their locality compliant with ELECT specifications, or participate in the no-cost to localities Security Awareness Training program provided by ELECT.

The State Board of Elections promulgated this regulation pursuant to its authority §24.2-410.2 of the Code of Virginia.

Statement of Final Agency Action

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 of Elections at its meeting on November 16, 2022, approved the new regulatory action, 1VAC20-20-90 titled Required training for Virginia voter registration system users