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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 20-70-20
VAC Chapter title(s)	Absentee Voting
Action title	Action Making an Illegible or Missing Postmark an Immaterial Omission on Absentee Ballot Envelope
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 adds subsections (F) and (G) to regulation 1VA20-70-20. The new subsection (F) clarifies that a missing postmark is an immaterial omission, and that a ballot received by noon on the third day after an election with no postmark will still count toward that election's result. New subsection (G) defines "postmark" for the purposes of the regulation.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."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.