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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Department of Elections
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	1 VAC 20-70-80
<b>VAC Chapter title(s)</b>	Absentee Ballot Witness Signatures during Qualifying State of Emergency
<b>Action title</b>	Absentee Witness Signatures during State of Emergency
<b>Final agency action date</b>	6/22/2021
<b>Date this document prepared</b>	6/29/2021

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 is a new regulation, which adds a new section (80) to the State Board of Elections Administrative Code 1VAC20-70.

The purpose of this regulation is to clarify the absentee ballot witness signature requirements under §24.2-707 of the Code of Virginia. The regulation seeks to avoid ambiguity, allow election officials ample time to prepare for absentee balloting in advance of an election, and promote uniformity among absentee voters who submit absentee ballots during the 45-day absentee voting period leading up to Election Day.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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This regulatory action guides the Department of Elections and local election officials in administering Code of Virginia section § 24.2-707. Effective July 1, 2021, The General Assembly has amended this section of the Code of Virginia so that absentee voters are not required to obtain witness signatures on absentee ballot envelopes "for any election held during a declared state of emergency related to a communicable disease of public health threat."

The General Assembly passed this legislation in light of the COVID-19 pandemic, and this provision applies to future emergencies.

## 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.*

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The State Board of Elections at its meeting on June 22, 2021, approved the new regulatory action 1VAC20-70-80 titled Absentee Ballot Witness Signatures during Qualifying State of Emergency.