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Exempt Action: Final Regulation Agency Background Document

Agency name	Department of Elections
Virginia Administrative Code (VAC) Chapter citation(s)	1 VAC 20-70-90
VAC Chapter title(s)	Requirements for Third Parties Mailing and Assembling Absentee Ballots
Action title	Absentee 3rd Party Vendor Regulations
Final agency action date	6/22/2021
Date this document prepared	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 (90) to the State Board of Elections Administrative Code 1VAC20-70 related to Absentee Voting.

The purpose of this regulation is to prescribe processes that ensure secure and timely delivery of voter information to contractors and reports of mailed absentee ballots from contractors.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Senate Bill 1239 from the 2021 General Assembly Special Session I modifies § 24.2-706 of the Code of Virginia by inserting a new subsection (D). The addition permits general registrars to contract with third parties for the "printing, assembly, and mailing..." of absentee ballot envelopes and supporting materials described under § 24.2-706(C). The bill further states, "The State Board of Elections shall promulgate regulations to implement the provisions of this act to be effective within 60 days of its enactment. Such regulations shall include processes that ensure secure and timely delivery of voter information to contractors and reports of mailed absentee ballots from contractors."

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 June 22, 2021, approved the new regulatory action 1VAC20-70-90 titled Requirements for Third Parties Mailing and Assembling Absentee Ballots.