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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Virginia Department of Elections
Virginia Administrative Code (VAC) Chapter citation(s)	1 VAC 20-45
VAC Chapter title(s)	Absent Military and Overseas Voters
Date this document prepared	3/20/26

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), 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, 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*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

ELECT: Virginia Department of Elections

FPCA: Federal Postcard Application

FWAB: Federal Write-in Absentee Ballot

UOCAVA: Uniformed and Overseas Citizens Absentee Voting Act

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The State Board of Elections is authorized to promulgate regulations pursuant to § 24.2-103 of the Code of Virginia, which grants the Board authority to supervise and coordinate the work of local electoral boards and general registrars and to make rules and regulations to promote the proper administration of elections in the Commonwealth. This periodic review is conducted in accordance with § 2.2-4007.1 and § 2.2-4017 of the Code of Virginia, and the procedures of the Office of Regulatory Management.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

As part of the periodic review, ELECT considered whether alternatives to the existing regulatory framework could achieve the same objectives. Alternatives evaluated included relying solely on statutory provisions, replacing regulatory language with nonbinding guidance documents, or repealing portions of the regulation deemed redundant. These alternatives were determined to be insufficient for several reasons. Election administration requires uniform statewide procedures to ensure consistent application of election laws across all jurisdictions. Reliance solely on statute would not provide the level of procedural clarity necessary to guide local election officials in the day-to-day implementation of election law. Similarly, replacing regulatory provisions with informal guidance would not provide the same level of transparency, enforceability, or stability expected in a regulatory framework. For these reasons, retaining the regulation, with amendments where appropriate to improve clarity and ensure conformity with current law and administrative structure, remains the least burdensome and most effective approach for achieving the regulatory objectives.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
Daniel Pense, Lynchburg General Registrar	1VAC20-45 provides copies of the FPCA form, the FWAB form, and the Envelope B for UOCAVA voters. The links for the FPCA form, the FWAB form, and the Envelope B or statement of UOCAVA voter on 1VAC20-45 all appear to point to outdated forms. While there is a disclaimer present, it would be good to update these links.	ELECT has reviewed this comment and agrees that links and references to incorporated UOCAVA forms should be updated where necessary. ELECT recommends amendments to update outdated form references in this chapter.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation remains necessary for the protection of the public interest and the effective administration of elections in the Commonwealth. Election administration involves coordination among numerous local officials and requires consistent procedures across all jurisdictions. The provisions contained in 1VAC20-45 support this objective by establishing administrative standards that facilitate uniform implementation of election laws. The regulation also remains clearly written and understandable. While certain provisions reference administrative structures that have since been modified by statute, these issues can be addressed through targeted non-substantive amendments without altering the overall regulatory framework. Overall, the regulation continues to serve an important role in supporting the orderly administration of elections and ensuring that election officials have access to consistent administrative guidance.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The agency proposes to amend the regulation. 1VAC20-45 continues to be necessary and should be retained, but minor amendments are necessary to improve clarity, update outdated references where necessary, and ensure conformity with current law, executive branch review requirements, and present agency practice. The recommended amendments will enhance readability and reduce the potential for misinterpretation without altering the core regulatory framework.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

Pursuant to § 2.2-4007.1 E and F of the Code of Virginia, ELECT has evaluated the impact of this regulation on small businesses. The regulation governs election administration by state and local election officials and does not impose direct regulatory requirements on small businesses. Accordingly, the regulation has minimal economic impact on small businesses. ELECT has also determined that the regulation does not duplicate or conflict with federal or state law and remains appropriate given current technology and administrative practices. Retaining the regulation with minor non-substantive amendments will not increase regulatory burden and continues to support effective and consistent election administration.