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Periodic Review and Small Business Impact Review Report of Findings

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| Agency name | The Virginia Department of Elections |
| Virginia Administrative Code (VAC) Chapter citation(s) | 1 VAC20-50 |
| VAC Chapter title(s) | Candidate Qualification |
| Date this document prepared | March 18,2026 |

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.

Petition: A document submitted by a candidate containing signatures required to qualify for ballot access.

Certificate of Qualification: Documentation confirming a candidate has satisfied filing and petition requirement

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.

ELECT considered whether issues identified in this chapter, including inconsistencies between regulatory language and current practice, could be addressed through guidance documents such as the General Registrar Election Book (GREB) or internal policy updates. While guidance may assist with procedural implementation, it cannot resolve inconsistencies between regulatory text and statutory requirements or clarify binding candidate qualification standards. Several identified issues, including ambiguity in petition requirements, inconsistencies in filing procedures, and lack of clarity in candidate qualification documentation, require regulatory amendment to ensure uniform and enforceable standards. These matters directly affect candidate ballot access and cannot be addressed through non-regulatory means. Accordingly, regulatory amendment is necessary and remains the least burdensome mechanism to ensure uniform statewide administration.

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 |
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| The Center for Election Confidence | To the extent that existing regulations contain outdated references to previous versions of the Virginia Code, CEC urges the State Board to update such regulations to provide for accurate and up-to-date citations and to review such references specifically for accuracy during each periodic review | ELECT has reviewed this comment and considered whether updates to regulatory citations and additional rulemakings are warranted. ELECT agrees that maintaining accurate and current references to the Code of Virginia is essential and has updated outdated statutory references in Chapter 50, Agency 20, Title 1 of the Virginia Administrative Code as part of this periodic review. |
| The Center for Election Confidence | Various other sections in Title 24.2 of the Code of Virginia require the State Board to promulgate regulations, but the State Board has failed to do so. To the extent such regulations would be codified in Chapter 50, Agency 20, Title 1 of the Virginia Administrative Code, CEC urges the State Board to undertake such rulemakings. | ELECT has also considered the comment regarding provisions of Title 24.2 of the Code of Virginia that direct the State Board to promulgate regulations. At this time, ELECT does not recommend initiating additional rulemakings specific to Chapter 50 as part of this periodic review. Regulatory action is undertaken in accordance with statutory requirements, agency priorities, and |

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| | available resources, and any necessary rulemakings will be addressed through separate regulatory actions as appropriate. |
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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.

Pursuant to § 2.2-4017 of the Code of Virginia, the Department of Elections (ELECT) has determined that this regulation remains necessary for the protection of public health, safety, and welfare, as it establishes uniform procedures governing the administration of elections across the Commonwealth. The regulation supports consistent implementation of statutory requirements by local electoral boards and general registrars, thereby promoting accuracy, transparency, and public confidence in election processes. ELECT finds that, while the regulation continues to be generally effective, certain provisions would benefit from clarification, modernization, and alignment with current statutory requirements and current agency practices. Public comments received during the periodic review identified areas where language may be outdated, overly broad, or insufficiently precise. In particular, comments highlighted opportunities to improve clarity, remove obsolete provisions, and ensure consistency with current law and technological systems used in election administration. Overall, the regulation is reasonably clear and understandable; however, targeted amendments are warranted to enhance usability, reduce ambiguity, and better reflect current operational practices.

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.

Based on the periodic review conducted in accordance with § 2.2-4007.1 and § 2.2-4017 of the Code of Virginia, ELECT recommends that 1VAC20-50 be amended. This determination is supported by the volume and substance of public comments received, which identified specific provisions that are outdated, inconsistent with current law, or in need of clarification. ELECT has determined that retaining the regulation without change would not adequately address these issues. At the same time, repeal is not appropriate, as the regulation continues to provide necessary structure and guidance for the administration of elections. Accordingly, ELECT recommends targeted amendments to update regulatory language to conform with current statutory authority, remove or revise obsolete provisions, clarify procedures to improve consistency and administrability, and ensure alignment with current systems and practices used by election officials. These amendments are intended to preserve the regulatory framework while improving clarity, efficiency, and compliance.

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 primarily governs the conduct of election administration by state and local election officials and does not impose direct regulatory requirements on small businesses. As such, 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.

