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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	The Virginia Department of Elections
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	1 VAC20-80
<b>VAC Chapter title(s)</b>	Recounts and Contested Elections
<b>Date this document prepared</b>	March 20,2026

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.

### 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.*

During the periodic review process, ELECT considered whether the regulatory objectives of 1VAC20-80 could be achieved through non-regulatory alternatives, including agency guidance documents, training materials, or reliance solely on statutory provisions. These alternatives were determined to be insufficient because the regulation establishes uniform, enforceable standards necessary for consistent statewide administration of election-related processes. Guidance documents and internal procedures lack the binding authority and transparency required to ensure compliance across all jurisdictions. Accordingly, the regulation remains the least burdensome and most effective mechanism for implementing statutory requirements and ensuring uniformity in election 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
Center for Election Confidence	Various other sections in Title 24.2 of Va. Code Ann. 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 80, Agency 20, Title 1 of the Virginia Administrative Code, CEC urges the State Board to undertake such rulemakings.	ELECT has reviewed this comment and acknowledges that certain provisions within Title 24.2 of the Code of Virginia authorize or contemplate regulatory action by the State Board of Elections. At this time, ELECT does not recommend initiating additional rulemaking under Chapter 80 as part of this periodic review. However, ELECT will continue to assess the need for future regulatory action consistent with statutory requirements and agency priorities.
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 agrees that regulatory references to the Code of Virginia should remain accurate and current. As part of this periodic review, ELECT has updated outdated statutory citations throughout Chapter 80 to reflect the current provisions of the Code of Virginia.

### 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.*

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Pursuant to § 2.2-4017 of the Code of Virginia, ELECT has evaluated the effectiveness of the regulation. The regulation remains necessary for the protection of public welfare by ensuring the consistent, secure, and transparent administration of elections across the Commonwealth. The provisions of 1VAC20-80 support uniform practices among local election officials, reduce ambiguity in statutory implementation, and promote voter confidence in the electoral process when contested elections and recounts may occur. Additionally, ELECT has reviewed the regulatory text for clarity and usability. While the regulation is generally clear and understandable, amendments are recommended to improve organization, update outdated references, and ensure consistency with current statutory requirements and agency practices. These updates will enhance readability and reduce the potential for misinterpretation without altering the core regulatory framework.

### 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.*

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Following this periodic review, ELECT has determined that 1VAC20-80 should be amended. This determination is based on the need to update outdated statutory references, clarify provisions identified through public comment and internal review, and align the regulation with current election administration practices and technology. The recommended amendments are intended to improve clarity, consistency, and usability while maintaining the regulatory structure necessary to ensure uniform statewide administration of elections.

### 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.*

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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.