



townhall.virginia.gov

Periodic Review and Small Business Impact Review Report of Findings

Agency name	The Virginia Department of Elections
Virginia Administrative Code (VAC) Chapter citation(s)	1 VAC20-100
VAC Chapter title(s)	Ranked Choice Voting
Date this document prepared	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

ORM: Office of Regulatory Management

APA: Virginia Administrative Process Act

Ranked choice voting: A voting method in which voters rank candidates in order of preference and votes are tabulated through successive rounds until a candidate achieves a majority

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 1VAC20-100 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 administration of ranked choice voting. Guidance documents and internal procedures do not provide the binding authority or transparency required to ensure consistent compliance across all jurisdictions. Accordingly, the regulation remains the least burdensome and most effective mechanism for implementing statutory requirements and ensuring uniformity in voter registration 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 § 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 100, 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 § 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 100 as part of this periodic review.
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. At this time, ELECT does not recommend amendments to Chapter 100 as part of this periodic review. ELECT will continue to review statutory references for accuracy during future periodic reviews and will consider updates as necessary to ensure consistency with 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.

Pursuant to § 2.2-4017 of the Code of Virginia, ELECT has evaluated the effectiveness of this regulation. The regulation remains necessary for the protection of public welfare by ensuring consistent, secure, and transparent administration of election-related processes across the Commonwealth. The provisions of 1VAC20-100 support uniform practices among local election officials, reduce ambiguity in statutory implementation, and promote public confidence in the administration of elections utilizing ranked choice voting. ELECT has also reviewed the regulation for clarity and usability and has determined that the regulation is generally clear and understandable. No amendments are recommended at this time.

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.

Following this periodic review, ELECT has determined that 1VAC20-100 should be retained in its current form. This determination is based on the continued need for the regulation, the absence of significant issues identified through public comment or internal review, and the determination that the regulation remains consistent with statutory requirements and current election administration practices.

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.