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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Department of Elections
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	1VAC20-45-40; 1VAC20-70-20; 1VAC20-70-80
<b>VAC Chapter title(s)</b>	Absentee Voting: Material omissions from federal write-in ballots; Material omissions from absentee ballots; Absentee ballot witness signatures during qualifying state of emergency
<b>Action title</b>	Acts of Assembly Chapter 785 Required Changes
<b>Final agency action date</b>	5/30/2023
<b>Date this document prepared</b>	6/2/2023

This information is required for executive branch review pursuant to 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. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to 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*.

### 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.*

Acts of Assembly Chapter 785 from the 2023 General Assembly Session removes the witness signature requirement for absentee ballots and applications as well as the witness signature requirement for Federal write-in absentee ballots and applications. The bill replaces it with the voter's year of birth and the last four digits of their social security number or a unique identifier, if the voter was never issued one. As a result of these changes, 1VAC20-45-40 and 1VAC20-70-20 of Virginia Administrative Code, will need to be amended to be in compliance with these amendments. 1VAC20-70-80 of Virginia Administrative Code will have to be repealed, in order to be in compliance with these changes to the Code of Virginia.

## 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). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "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."*

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Acts of Assembly Chapter 785 from the 2023 General Assembly Session is the mandate for this regulatory change. Additionally, pursuant to §24.2-103(A) of the Code of Virginia, the State Board of Elections "shall make rules and regulations and issue instructions and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws."

## 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.*

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On May 30, 2023 the State Board of Elections voted unanimously to approve amendments to 1VAC20-45-40 Material omissions from federal write-in ballots, and 1VAC20-70-20 Material omissions from absentee ballots, and approved the repeal of 1VAC20-70-80 Absentee ballot witness signatures during qualifying state of emergency.