

Office of Regulatory Management
Economic Review Form

Agency name	Department of Elections
Virginia Administrative Code (VAC) Chapter citation(s)	1VAC20-45-40; 1VAC20-70-20; 1VAC20-70-80
VAC Chapter title(s)	Absentee Voting: Material omissions from federal write-in ballots; Material omissions from absentee ballots; Absentee ballot witness signatures during qualifying state of emergency
Action title	Acts of Assembly Chapter 785 Required Changes
Date this document prepared	6/2/2023
Regulatory Stage (including Issuance of Guidance Documents)	Exempt - Final

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<p>Direct Costs: The direct costs associated with this regulatory amendment may be minimal.</p> <ul style="list-style-type: none"> • Localities are responsible for the purchasing/printing of absentee ballot envelopes each year regardless of the language required on the envelopes • Some localities may have extra absentee envelopes that still require the witness signature and those envelopes may be amended to require the new information • Localities that choose to purchase all new envelopes to meet the statutory requirement to no longer require witness signatures, can pay anywhere from \$.037-\$.078 per envelope. • For context, 1,057,219 individuals applied to vote absentee for the 2022 November General • With 133 localities that is an average of 7,950 voters that may vote absentee per locality in a non-presidential year • It could cost a locality \$416 on average for 8,000 new absentee envelopes for this 2023 November general election <ul style="list-style-type: none"> ○ This number will vary based on the specific size of the locality and the number of individuals that applied to vote absentee. This is only an average and provides a rough estimate as an example. ○ If localities have no additional absentee ballot envelopes that indicate a witness signature is required, then the locality’s purchase of new envelopes that do not require witness signature will be part of their normal course of business and there is no waste. <p>Indirect Costs: There are no indirect monetized costs associated with this regulatory amendment</p> <p>Direct Benefits: Individuals no longer need to find a witness to open, fill out, and submit an absentee ballot. Therefore, they can save time by only having to provide information they are already privy to (their DOB and last 4 of SSN)</p> <ul style="list-style-type: none"> • Individuals are not supposed to open their absentee ballot until they are in the presence of a witness (24.2-706(C)) • Therefore, the witness must be able to watch the voter for the entirety of the time it takes to fill out their absentee ballot and required envelope • The time to find a witness and fill out the ballot and required envelope can take on average 10 minutes • The average hourly wage is \$31.54
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	<ul style="list-style-type: none"> • For 10 minutes of someone’s time that is an average cost of \$5.26 • 305,939 individuals voted absentee by mail in the 2022 November General, costing a total of \$1,609,239.14 on average of a witness’ time (total voting absentee x average cost of someone’s time) • During a presidential year turnout is significantly higher, so to estimate potential cost savings for 2024 we will compare absentee statistics for 2020 • In 2020, 1,209,276 individuals voted absentee by mail in the November General, costing a total of \$6,360,791.76 of a witness’ time on average • Therefore, we can likely see a \$6,360,791.76 time savings for the 2024 November General <ul style="list-style-type: none"> ○ The total cost savings for 2024 will be higher than the number above as it only pertains to the general election and does not include any primary elections ○ Primary election participation varies significantly but can range anywhere from 30,000 participants to 200,000 participants. That provides a range of \$157,800 - \$1,1052,000 in time savings ○ In 2020, 148,537 individuals voted absentee by mail for all primary elections. If participation is similar for 2024, then that is a time savings of \$781,304.62 on average for primary elections ○ We can potentially see a total time savings of at least \$7,142,096.38 for the year 2024 <ul style="list-style-type: none"> ▪ We state “at least” as this does not include estimates for any special elections that may occur • The estimates above only apply to absentee ballots returned by mail as absentee voting in-person does not require witness signatures <p>Indirect Benefits: There are no indirect monetized benefits associated with this regulatory amendment.</p>	
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(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$5.26 on average of someone’s time to serve as a witness per each absentee by mail ballot submitted.	(b) 0.00
(3) Net Monetized Benefit	0.00	

(4) Other Costs & Benefits (Non-Monetized)	There are generally no other costs & benefits associated with this regulation as all other processes are part of the normal procedures of general registrars. However, the changes allow general registrars to have direct information to review and confirm in the voter registration system which is more secure than a witness signature
(5) Information Sources	ELECT Staff; U.S. Bureau of Labor Statistics; VCE Printing Services; PretzelMan Printing Group

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>If there is no change to the regulation, it may continue to cost an average of \$5.26 of a witness' time per absentee ballot. For 2024 we estimate that potential cost to be \$7,142,096.38 as outlined in Table 1a. under direct benefits.</p> <p>Localities are already required to purchase/print absentee ballot envelopes so there is no monetary impact on localities if no change was made to the regulation.</p> <p>There are no additional monetized costs and benefits to provide.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See Table 1a	(b) 0.00
(3) Net Monetized Benefit	0.00	
(4) Other Costs & Benefits (Non-Monetized)	This is a statutory requirement following newly enacted legislation as indicated above. Without the change the regulation is unenforceable.	
(5) Information Sources	ELECT staff	

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	N/A	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)

(3) Net Monetized Benefit	
(4) Other Costs & Benefits (Non-Monetized)	
(5) Information Sources	

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	<i>See Table 1a. The direct & indirect costs & benefits for local partners consists of the same information contained in Table 1a as localities are responsible for purchasing/printing absentee ballot envelopes.</i>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) 0.00	(b) 0.00
(3) Other Costs & Benefits (Non-Monetized)	<i>See Table 1a.</i>	
(4) Assistance	N/A	
(5) Information Sources	ELECT Staff; VCE Printing Services; PretzelMan Printing Group	

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs &	There are monetized direct benefits to families which is listed in Table 1a. Ultimately, the benefits pertain to time savings as individuals will no
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Benefits (Monetized)	longer be required to find a witness to open, fill out, and submit their absentee ballots.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) 0.00	(b) 0.00
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Information Sources	ELECT Staff	

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>There are no specific or guaranteed monetizable direct & indirect costs & benefits on small businesses</p> <ul style="list-style-type: none"> • This regulation does not change anything regarding the process registrars must follow to obtain envelopes. This amendment only changes the language on the envelopes • Localities already purchase new absentee envelopes each year, but if there are extra from a previous election a locality may be able to purchase less at one time • However, small businesses that conduct printing may see a brief increase in sales from a locality should that locality utilize a small business for printing all new envelopes <ul style="list-style-type: none"> ○ Small businesses could see on average a one-time purchase of 8,000 envelopes totaling \$416 on average 	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) 0.00	(b) 0.00
(3) Other Costs & Benefits (Non-Monetized)	There are no non-monetized costs & benefits to this regulation.	

(4) Alternatives	There are no alternatives.
(5) Information Sources	ELECT Staff

Changes to Number of Regulatory Requirements

Table 5: Regulatory Reduction

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

VAC Section(s) Involved	Initial Count	Additions	Subtractions	Net Change
1VAC20-45-40	15	1	2	-1
1VAC20-70-20	23	1	0	+1
1VAC20-70-80	2	0	2	-2

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden

Length of Guidance Documents (only applicable if guidance document is being revised)

Title of Guidance Document	Original Length	New Length	Net Change in Length