



Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Elections
Virginia Administrative Code (VAC) citation	1 VAC 20-45-40, 20-70-20
Regulation title	2014 Absentee Material Omissions
Action title	2014 Absentee Material Omissions
Final agency action date	9.2.2014
Document preparation date	9.2.2014

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The State Board of Elections at its meeting on August 27, 2014, approved a final version of amendments to its regulations dealing with material omissions from absentee envelope B, 1 VAC 20-70-20, and the voter statement accompanying the federal write in absentee ballot, 1 VAC 20-45-40. The Board agreed with the staff recommendation to limit the changes to those required by recent legislation (middle name or initial, date and seal) with one exception—omission of generational suffix may be material when voters registered at the same address have the same name and the voter identify cannot otherwise be determined.

Statement of final agency action

Please 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.

2014 legislative amendments effective July 1, 2014, allow counting the ballot if the outer envelope is sealed and specify that neither omission of the date nor middle name or initial require rejecting the ballot if first and last names are provided. At its meeting on June 10, 2014, the State Board of Elections approved posting amended regulations for public comment that include two additional amendments dealing with generational suffix and street identifiers. The public comment period opened June 30, 2014, and closed July 21, 2014. A total of 87 comments were received. Most of the comments oppose treating generational suffix and street identifier as material. The Board at its meeting on August 27, 2014, approved final regulation amendments titled 2014 Absentee Material Omissions setting forth the legislatively mandated changes on middle name or initial, envelope seal and date, and a further amendment specifying that omission of generational suffix may be material when individuals sharing the same name are registered at the same address and the identity of the absentee voter cannot otherwise be determined.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The amendments dealing with generational suffix may affect families with multiple generations residing together.