

Unified Regulatory Plan of the Department of Elections for State Fiscal Year 2024

Prepared on June 22, 2023

Description of Agency or Boards

The State Board of Elections (“Board”) is authorized to prescribe standard forms for voter registration and elections, and to supervise, coordinate, and adopt regulations governing the work of local electoral boards, registrars, and officers of election. The Department of Elections (“ELECT”) is authorized to establish and maintain a statewide automated voter registration system to include procedures for ascertaining current addresses of registrants; to require cancellation of records for registrants no longer qualified; to provide electronic application for voter registration and absentee ballots; and to provide electronic delivery of absentee ballots to eligible military and overseas voters. The Department conducts the Board's administrative and programmatic operations and discharges the Board's duties consistent with delegated authority.

Action/Stage or Guidance Document Forum ID (if available) 6259/10025	
Title of Proposed Regulatory Action or Guidance Document Material omissions from officer removal petitions and petition signature qualifications	
Brief Overview Acts of Assembly Chapter(s) 663 and 664 passed during the 2023 Session of the General Assembly set out the procedures by which an elected officer, or officer who has been appointed to fill an elective office, may be removed from office. As it pertains to the State Board and general registrars, these bills require that (i) the general registrar review a petition for removal on a form prescribed by the State Board and determine its sufficiency; (ii) the general registrar certify the petition within 10 business days and promptly file such certification with the clerk of the circuit court; and (iii) the certification state the number of signatures required, the number of signatures on the petition, the number of valid signatures, along with any signatures found to be invalid and any material omissions from the petition. As a result, the State Board must adopt a regulation outlining procedures for processing a removal petition.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input checked="" type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	The regulatory change ensures uniform standards are applied for the review of material omissions on petitions and ensures due process for officers that may be removed.
Expected Date	July 2023

Action/Stage or Guidance Document Forum ID (if available) 5752/9229	
Title of Proposed Regulatory Action or Guidance Document Campaign Finance Regulations for Print Media Advertisements	
Brief Overview House Bill 1238 from Virginia's 2020 General Assembly Session instructs the State Board of Elections to promulgate regulations for the implementation of the bill's provisions as it relates to print media requirements. The purpose of this new regulation is to guarantee that disclosure statements on certain political print media advertisements are displayed in a conspicuous manner and are proportionate to the size of the advertisement. The requirements in this proposed amendment are similar to federal print media advertisement requirements established by the Federal Election Commission under 11 CFR § 110.11. The enforcement of this regulation is delayed until January 1, 2024.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	The regulatory changes ensure disclosure statements are clear and conspicuous and allows for uniformity
Expected Date	January, 2024