Unified Regulatory Plan of the Department of Elections for State Fiscal Year 2023

Prepared on October 2, 2022

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.

Title of Proposed Regulatory Action or Guidance Document Revisions to Regulations Pertaining to the Systematic Alien Verification for Entitlements Program (SAVE)	
Brief Overview § 24.2-404(E) of the Code of Virginia requires ELECT to participate in the Systematic Alien Verification for Entitlements (SAVE) Program operated by U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security (DHS-USCIS) for the purpose of verifying that voters listed in the Virginia voter registration system are United States citizens. In 2016, the Board amended 1VAC20-40-70 to account for the use of SAVE in existing cancellation processes, as required by § 24.2-404(E). Due to limitations within the SAVE program, which requires an individual's document type and alien number/document number of a document issued by DHS-USCIS, ELECT initially determined that SAVE was unusable for list maintenance purposes. However, following new training of the SAVE program ELECT may propose new regulatory actions regarding its use.	

Regulatory Stage (check one box)	☐ NOIRA	☐ Emergency Rule
	☐ Proposed Rule	☐ Fast-Track Rule
	☒ Final Rule	
Additional Description	☐ Expedited Rule	☐ Guidance Document
	☒ Exempt Rule	
Legal Authority	☐ Action required by federal statute	☐ Discretionary action
	☒ Action required by state statute	
Deregulatory Component	The changes proposed for this Chapter will clarify and specify ELECT's use of the SAVE program	
Expected Date	June 2023	