

VIRGINIA CODE COMMISSION

Wednesday, June 3, 2026 - 1:00 p.m.

House Committee Room B - General Assembly Building

DRAFT

Meeting Minutes

Members Present: Marcus B. Simon, Katrina E. Callsen, Nicole S. Cheuk, Travis Hill, Christopher R. Nolen, Charles S. Sharp, Malfourd W. Trumbo, Amigo R Wade.

Members Participating Virtually: Russet W. Perry, Richard E. Gardiner, Ryan T. McDougale.

Members Absent: Michael P. Mullin.

Staff Present: Holly Trice, Anne Bloomsburg, Meg Lamb, Division of Legislative Services.

Others Present: Tom Lisk, ALAC; Justice Stephen McCullough, Supreme Court of Virginia; Luke Priddy and Wanda Taylor, Virginia Electoral Board Association.

Call to Order: Delegate Simon, Chair of the Code Commission, called the meeting to order at 1:01 p.m. Ms. Holly Trice, Registrar of Regulations, reminded the public of how to send a public comment via email and called role.

Pursuant to § 2.2-3708.3 of the Code of Virginia, Senators McDougale and Perry and Judge Gardiner participated remotely.

A quorum of the commission was present in person.

Review and approval of November 17, 2025, minutes: A motion was made to approve the minutes, properly seconded, and passed unanimously.

Review of proposed electronic meeting policy under § 2.2-3708.3 of the Code of Virginia - Holly Trice, Registrar of Regulations:

Ms. Holly Trice, Registrar, presented the electronic meeting policy to govern remote participation, effective July 1, 2026. The motion to approve the new electronic meeting policy for the 2026 term was made and properly seconded. The motion passed unanimously.

Report on access to Justice Commission terms - Justice Stephen McCullough, Supreme Court of Virginia

Justice Stephen McCullough reported to the commission that the Supreme Court supported the use of plain English terms versus technical terms in court forms. Justice McCullough submitted a list of terms in the materials for the commission's review. He received feedback from that list. He suggested a next step could be for the commission to review the list of terms and submit a bill with existing technical term and plain English translation alongside the technical terms. Judge Sharp asked if that dual listing would act as a transition to using only the plain English term or if the two terms would be permanently used if a consensus was reached on a term's translation. Justice McCullough acknowledged that would be a later decision. Judge Trumbo asked some questions about the wording of a motion, trying to determine what the first step was. Chair Simon discussed forming a workgroup that contained not only commission members, but forms committee members, general district court clerks, practitioners, OES, and general district court judges to get all the input needed. The four pages provided by Justice McCullough would serve as a guide for the workgroup. Senator McDougale suggested changing forms before statutory changes for a year to see if term

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replacement worked among those using it, essentially creating a pilot program to get feedback from practitioners and clerks as to what's working and what isn't. Chair Simon then put forward a motion to create a workgroup, with the first step being figuring out who to invite take part in the workgroup and to survey the clerks for a list of the most problematic forms as a starting place. The motion was made and properly seconded. The motion passed unanimously.

Welcome and introduction of new member: Chair Simon welcomed Travis Hill, Chief Deputy Attorney General, as a new member of the Code Commission. Mr. Hill introduced himself.

Administrative Law Advisory Committee (ALAC) Work Plan - Tom Lisk, Chair, ALAC:

Mr. Tom Lisk, Chair, ALAC, presented the proposed work plan for ALAC for 2026. The work plan included that ALAC will (i) work with the Department of Planning and Budget to consider amendments to Articles 1 and 2 (§ 2.2-4006 et seq.) of the Administrative Process Act; (ii) continue the workgroup to study how the preservation of error doctrine and procedural default rule apply in the regulatory context; and (iii) continue its workgroup to study amending language on harmless error doctrine.

A motion to approve the 2026 Work Plan for ALAC was made and properly seconded. The motion was unanimously approved.

Review contract extension option: Code of Virginia - Amigo Wade, Director, Division of Legislative Services

Director Amigo Wade, DLS, explained to the commission that 2019 was the last extension of a contract with LexisNexis to publish the Code of Virginia. The current contract expires August 31, 2026. Director Wade suggested extending the contract for another three years. He stated that there is a precedent of extending and that the publication of the Code costs the commission and DLS nothing.

A motion to extend the contract with LexisNexis was made and appropriately seconded. The motion passed unanimously (except for abstention by Mr. Christopher Nolen).

Official advisory opinion regarding whether certain provisions of the Charter for Virginia Beach were repealed with the enactment of § 16.1-69.1 of the Code of Virginia - Holly Trice, Registrar

Ms. Holly Trice, Registrar, presented the pertinent points of an opinion drafted by the Office of the Attorney General (OAG) upon request of the commission. Ms. Trice suggested DLS staff update the Virginia Law Portal where the Charter for Virginia Beach was published to incorporate the opinion findings. Judge Gardiner asked whether the portal could include a statement that these changes are based on an OAG opinion. Chair Simon asked whether the Law Portal typically included such a statement. Director Wade confirmed that such disclaimers were not generally posted on the portal. Ms. Trice clarified what would be posted. Meg Lamb, Deputy Director, DLS, verified Legal Notes were not included on the Law Portal. Chair Simon stated that the OAG opinion aligned with the opinion staff at DLS reached regarding the issue.

A motion to update Law Portal pursuant to the OAG opinion was made and properly seconded. The motion was approved unanimously.

Report on outcome of 2025 Code Commission Bills - Amigo Wade, Director, and Meg Lamb, Deputy Director, DLS

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Deputy Director Meg Lamb, DLS, reported that Chapter 972 (HB 932), recodification of Title 30, included a reenactment clause and requirement to create a workgroup to address the issues spotted by the Senate Clerk's office during the 2026 Session.

Director Amigo Wade reported that Chapter 41 (HB 135) passed, extending the HB2660 workgroup, which studied language surrounding the submission, review, and approval of subdivision plats and site plans, for another year. Director Wade reported that the next meeting of the workgroup was already scheduled.

Other Business:

Expiring term of nonlegislative member of commission. Christopher Nolen's term was expiring. Discussion established that Mr. Nolen would like to continue his service on the commission. Chair Simon recommended Mr. Nolen for reappointment.

A motion to recommend the reappointment of Mr. Nolen was made and appropriately seconded. The motion passed unanimously.

Request to recodify Title 24.2, Elections, of the Code of Virginia. Representatives from the Virginia Electoral Board Association (VEBA), Wanda Taylor and Luke Priddy, requested the commission recodify Title 24.2, Elections. Chair Simon cited several titles of the Code of Virginia also in need of update. VEBA believes recodification was necessary to clarify requirements regarding early voting, absentee voting, and voter assistance to eliminate inconsistencies. Ms. Trice was directed to create and distribute a list of when titles were last recodified so that the commission could see a timeline of recodifications to help determine which title should be recodified next.

Chair Simon requested the date of next meeting. Ms. Trice suggested basing next meeting on developments in ongoing commission work being finished.

Public comment: Chair Simon asked if there were any members of the public who wished to offer comment. No one present at the meeting wished to comment, and no one had commented virtually via the email address provided for comment.

Adjourn: A motion was made for adjournment, seconded, and passed unanimously.

Chair Simon adjourned the meeting at 1:48 p.m.