



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Donald Palmer
Secretary
State Board of Elections

From: Joshua N. Lief
Senior Assistant Attorney General

Date: August 27, 2012

Subject: Letter of Assurance for proposed changes to 1VAC20-60-60. Provisional votes.

I have reviewed the State Board of Election's proposed amendments to its Regulations, particularly 1VAC20-60-60, that were posted on the Virginia Regulatory Town Hall on August 73, 2012. In my view, as counsel to the State Board of Elections, these regulations may be promulgated pursuant to Title 24.2 of the *Code of Virginia*. Moreover, this regulatory action is exempt from the Administrative Process Act pursuant to §2.2-4002-B.8 as it relates to the conduct of elections. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.