



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli II
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

To: Mr. Donald Palmer
Secretary
State Board of Elections

From: Joshua N. Lief
Senior Assistant Attorney General

Date: June 26, 2013

Subject: Letter of Assurance for proposed changes to 1VAC20-70-40. Alternative processing procedures for absentee ballots returned before election day.

I have reviewed the State Board of Election's proposed amendments to its Regulations, particularly 1VAC20-70-40, that were posted on the Virginia Regulatory Town Hall on June 25, 2013. 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 proposed amendments to 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.