



# COMMONWEALTH of VIRGINIA

Office of the Attorney General  
Richmond 23219

Mark R. Herring  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804 - 786 - 2071  
804 - 371 - 8946 TDD

## MEMORANDUM

**To:** Mr. Donald Palmer  
Secretary  
State Board of Elections

**From:** Kristina Perry Stoney  
Senior Assistant Attorney General

**Date:** May 30, 2014

**Subject:** Letter of Assurance for Proposed Regulation 1 VAC 20-45-10 through 1 VAC 20-45-40. Absent Military and Overseas Voters

I have reviewed the State Board of Election's regulatory proposal for creation of Chapter 45: Absent Military and Overseas Voters, proposed as 1 VAC 20-45-10 through 1 VAC 20-45-40, most recently posted on the Virginia Regulatory Town Hall on December 17, 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 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.