



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Mr. Donald Palmer
Secretary
State Board of Elections

From: Joshua N. Lief
Senior Assistant Attorney General

Date: July 26, 2013

Subject: Letter of Assurance - Periodic Review of 1VAC20-80: Recounts and Contested Elections

I have conducted a periodic review of the State Board of Election's regulations, in particular Chapter 80, 1VAC20-80-10 through 1VAC20-80-20: Recounts and Contested Elections. In my view, as counsel to the State Board of Elections, the promulgation of these regulations was within the statutory authority of the State Board of Elections pursuant to Title 24.2 of the *Code of Virginia*. Moreover, 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 regulations.