



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Jean Cunningham, Chairman
Virginia State Board of Elections

Nancy Rodrigues, Secretary
Virginia State Board of Elections

From: Richard F. Neel, Jr.
Deputy Attorney General

Date: June 29, 2010

Subject: Memorandum of Authority for Proposed Adoption of Public Participation Guidelines, 1 VAC 20-10-10 *et seq.*

I have reviewed the Virginia State Board of Elections' proposed Public Participation Guidelines, 1 VAC 20-10-10 *et seq.*, that were listed on the Virginia Regulatory Town Hall Internet site on June 24, 2010. In my view, these regulations may be promulgated pursuant to § 24.2-103 of the *Code of Virginia*. 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. Further, these proposed regulations are exempt from the requirements of the Virginia Administrative Process Act, pursuant to § 2.2-4002.B.8 of the *Code of Virginia*.

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.