



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Mr. Donald Palmer
Secretary
State Board of Elections

From: Kristina Perry Stoney
Senior Assistant Attorney General

Date: June 6, 2014

Subject: Letter of Assurance for Amendments to Regulation 1 VAC 20-40-10 and Proposed Regulation 1 VAC 20-40-90. Voter Photo Identification Cards

I have reviewed the State Board of Election's regulatory proposal for amendment of Regulation 1 VAC 20-40-10: Definitions and creation of 1 VAC 20-40-90: Voter Photo Identification Cards. 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 are legislatively mandated pursuant to provisions of Section 24.2-404 of the *Code*, effective July 1, 2014, and do not appear to conflict with the enabling statute or Virginia Election Laws.

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.