



# COMMONWEALTH *of* VIRGINIA


*Office of the Attorney General*

Mark R. Herring  
Attorney General

202 North 9<sup>th</sup> Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120

## MEMORANDUM

**To:** Robert Brink, Chairman  
State Board of Elections  
  
Christopher E. Piper, Commissioner  
Department of Elections

**From:** Carol L. Lewis  
Assistant Attorney General 

**Date:** May 27, 2020

**Subject:** Letter of assurance for proposed regulation (1 VAC 20-70-60) regarding security requirements for absentee satellite offices.

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I reviewed the proposed regulation regarding security requirements for absentee satellite offices to be codified at 1 VAC 20-70-60. In my view as counsel to the State Board of Elections, it has the authority to promulgate this regulation under § 24.2-103 and Chapter 7 of Title 24.2 of the *Code of Virginia*. This regulatory action is exempt from the Administrative Process Act pursuant to Virginia Code § 2.2-4002(B)(8), as it relates to the conduct of elections. The proposed regulation does not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor does it 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 regulation.