



# COMMONWEALTH *of* VIRGINIA

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TO: John O'Bannon, Chairman  
State Board of Elections

Susan Beals, Commissioner  
Department of Elections

FROM: Travis Andrews *TJ Andrews*  
Assistant Attorney General

Date: May 10, 2023

Subject: Letter of Assurance for Proposed Regulation 1VAC20-60-90

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I have reviewed the proposed regulation 1VAC20-60-90, regarding material omissions from officer removal petitions and petition signature qualifications. In my view as counsel to the State Board of Elections, the Board has the authority to promulgate this regulation pursuant to Virginia Code § 24.2-103 and Chapter 663 of the Acts of Assembly. The proposed regulation does not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, or any federal or state law currently in effect. Because the proposed regulation is expected to be noncontroversial, it qualifies for the fast-track rulemaking process under the Administrative Process Act, Virginia Code § 2.2-4012.1.

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.