



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 Amendments to Regulation 1VAC20-70-20

I have reviewed the proposed amendments to regulation 1VAC20-70-20, regarding material omissions from absentee ballots. 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. The proposed amendments do 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. This regulatory action is exempt from the Administrative Process Act pursuant to Virginia Code § 2.2-4002(B)(8) because it relates to the conduct of elections.

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 amendments.