



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Robert H. Brink
Chairman, Virginia State Board of Elections

Christopher E. Piper
Commissioner, Virginia Department of Elections

From: Carol L. Lewis
Assistant Attorney General

Date: May 19, 2021

Subject: Letter of Assurance for Periodic Review of Regulations – Guidance for administration of voter registration by general registrars. [1 VAC 20-40]

Pursuant to the Code of Virginia and Executive Order 14 (as amended July 16, 2018), a periodic review of a regulation every four years shall include an examination by the Office of the Attorney General to ensure statutory authority. In that regard, I have reviewed the State Board of Elections regulations referenced above. In my view, as counsel to the State Board of Elections and Department of Elections, these regulations may be promulgated pursuant to Title 24.2 *et seq.* of the Code of Virginia (Code).

The 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 law. I would recommend that one regulation, 1 Va. Admin. Code 20-40-40, be amended to conform with recent state statutory changes.

Subsection (A) of that provision references Va. Code § 24.2-411.1. That provision of the Code was repealed in 2020.

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 regulations.