



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Nancy Rodrigues, Secretary
State Board of Elections

From: Joshua N. Lief
Senior Assistant Attorney General

Date: December 9, 2010

Subject: Letter of Assurance for proposed regulations governing electronic transmission of records containing sensitive personal information; encryption or redaction required 1 VAC 20-20-20

I have reviewed the State Board of Election's proposed Regulations, particularly 1 VAC 20-20-20, that were posted on the Virginia Regulatory Town Hall internet site on December 1, 2010. In my view, as counsel to the State Board of Elections, these regulations may be promulgated pursuant to Title 24.2 Article 2 of the Code of Virginia. 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 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 regulations.