



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Donald Palmer, Secretary
State Board of Elections

From: Joshua N. Lief
Senior Assistant Attorney General

Date: August 24, 2011

Subject: Letter of Assurance for proposed changes to regulations governing Material Omissions on Absentee Ballots 1 VAC 20-70-20

I have reviewed the State Board of Election's proposed amendments to its Regulations, particularly 1 VAC 20-70-20, that were posted on the Virginia Regulatory Town Hall on August 24, 2011. In my view, as counsel to the State Board of Elections, these regulations may be promulgated pursuant to §§ 24.2-103, 24.2-706 and 24.2-707 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.