




COMMONWEALTH of VIRGINIA  
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**MEMORANDUM**

**TO:** Christopher E. Piper  
Commissioner  
Virginia Department of Elections

**FROM:** Carol L. Lewis  
Assistant Attorney General 

**DATE:** November 10, 2021

**SUBJECT:** *Ranked Choice Voting Regulations and Ballot Standards, 1 VAC 20-100*

I have reviewed the proposed regulations under 1 VAC 20-100. These regulations were approved by the State Board of Elections. This action is exempt from the operation of the Administrative Process Act under Virginia Code § 2.2-4002(B)(8).

The State Board of Elections has the statutory authority to adopt these regulations under Virginia Code § 24.2-103(A). The proposed regulations are constitutional and do not conflict with existing federal or state laws or regulations.

There is a reference in Section 10 in the definition of “transfer value” to “subsection (b)2.” There is no such subsection in Section 10. Presumably, it was meant to be a reference to 1 VAC 20-100-50(B)(2). Clarification should be provided.