




COMMONWEALTH of VIRGINIA
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TO: Christopher E. Piper
Commissioner
Virginia Department of Elections

FROM: Carol L. Lewis
Assistant Attorney General 

DATE: August 10, 2021

SUBJECT: *Organization of State Board of Elections; seal, 1 VAC 20-20-30*

I have reviewed the proposed amendment to the regulation 1 VAC 20-20-30, regarding the organization of the State Board of Elections with respect to the definition of a quorum. This amendment was approved by the State Board of Elections. In my view as counsel to the State Board of Elections, it has the authority to promulgate this amendment to the regulation pursuant to Virginia Code § 24.2-103. This action is exempt from the operation of the Administrative Process Act under Virginia Code § 2.2-4006(A)(2), as it amends a regulation that prescribes an internal practice or procedure of the State Board of Elections. The proposed amendment does not appear to conflict with the Constitution of the Commonwealth of Virginia, or 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 amendment.