



COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

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TO: John O'Bannon, Chairman
State Board of Elections

Susan Beals, Commissioner
Department of Elections

FROM: Andrew Murphy
Assistant Attorney General

Date: July 29, 2024

Subject: Office of the Attorney General Review of Proposed Amendments to
Regulations 1VAC20-100-10, and 1VAC20-100-50.

I have reviewed the proposed amendments to regulations 1VAC20-100-10 and 1VAC20-100-50 regarding the conduct of ranked choice voting. In my view as counsel to the State Board of Elections, the Board has the authority to promulgate these regulations pursuant to Virginia Code § 24.2-103 and Virginia Code § 24.2-673.1. The proposed amendments do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, or any federal or state law currently in effect. This regulatory action is exempt from the Administrative Process Act pursuant to Virginia Code § 2.2-4002(B)(8) because it relates to the conduct of elections.

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 amendments.