



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: March 17, 2021

SUBJECT: *Processing Absentee Ballots with Missing or No Postmark, 1 VAC 20-70-20*

I have reviewed the proposed amendments to 1 VAC 20-70-20. These amendments were approved by the State Board of Elections. This action is exempt from the operation of the Administrative Process Act and review by the Executive Branch under Virginia Code § 2.2-4006(A)(4)(b), as it is necessary to comply with the court order in *Reed v. Va. Dep't of Elections* (Frederick Co. Cir. Ct., Case No. CL20-622).

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