



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli, II
Attorney General

October 22, 2012

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The Honorable A. Donald McEachin
Member, Senate of Virginia
4719 Nine Mile Road
Richmond, VA 23223

Dear Senator McEachin:

Over the past few days, I have read reports in the news media regarding your request for my office to investigate the alleged dumping of voter registration forms in Harrisonburg. An investigation into this matter is absolutely warranted, and the local authorities are currently conducting one. Tampering with voter forms is a serious crime, and I believe that this allegation should be thoroughly investigated.

As a state lawmaker who serves on the Senate Privileges and Elections Committee and as someone who ran for attorney general, you undoubtedly know that my office does not have the authority to investigate election matters unless explicitly requested to do so by the State Board of Elections, a local commonwealth's attorney, or a local electoral board member (see Virginia Code § 24.2-104). No such request has been made to date; and, therefore, by law, I do not have the authority to undertake the investigation you have suggested. My hands are tied in this matter.

However, regarding future election matters, I would be happy to support a legislative effort by you in the next General Assembly session to provide investigative authority to the Office of the Attorney General in relation to vote tampering and voter fraud. As you know, then -- and only then -- would my office be able to fulfill your request to investigate such matters without a formal request from the State Board of Elections, a local commonwealth's attorney, or a local electoral board member.

Thus, I agree with the sentiment reflected in your statements that the Office of the Attorney General should have concurrent authority with commonwealth's attorneys to investigate and prosecute violations of our election laws, such as the destruction of voter registration forms. The current system is cumbersome and less effective than it would be if the prosecutors of the Office of the Attorney General could work across all of our local jurisdictions to punish violators.

I appreciate you focusing attention on this shortcoming in our election laws, and I look forward to working with you to improve the protections in Virginia law for the right to vote -- one of our most important and precious rights.

Sincerely,

A handwritten signature in blue ink that reads "Ken C II".

Kenneth T. Cuccinelli, II