




★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

How to Run for Virginia Senate, 38th District


Ballot Access Requirements for the
March 23, 2021 Special Election

Definitions and Key Icons


Political party – an organization that, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election (currently only Democratic and Republican)

 - Notes where to find information in the Code of Virginia or Virginia Administrative Code.


Primary candidate – an individual who is seeking the nomination of a political party by running in a primary

 - Indicates beginning and/or ending deadlines for filing documents.

Non-primary party candidate – an individual who is seeking the nomination of a political party by a means other than a primary; speak with the party

 - Indicates information on where to file documents.

Independent – an individual who is seeking to run in a General Election without the nomination from the Republican or Democratic party (may include a recognized party or no party)

 - Indicates additional information that may be helpful.

Incumbent – an officeholder who wants to run for reelection to the same office

Qualified voter – a person who is entitled to vote under the Virginia Constitution and is properly registered to vote (see [definition here](#))

Va. Code – Virginia Code

VAC – Virginia Administrative Code

ELECT – The Virginia Department of Elections
1100 Bank Street, 1st Floor
Richmond, VA 23219

How candidates get on the ballot in Virginia

Follow these instructions if you are running for Virginia Senate of Virginia, 38th District Special Election.

Follow these instructions to get on the ballot for:

- the Special Election on Tuesday, March 23, 2021.

Election Calendar 2021

Type of Election	Candidates: Last Day to File
Special	
Tuesday, March 23, 2021	Friday, January 22, 2021 at 5:00 p.m.

Find in Code: Va. Code §§ [24.2-503](#) and [24.2-507](#)

What, when, and where do I file?

[This table is a summary. Find more information below.](#)

	What do I need to file?	Notes or other information	Where do I file this form?	When does filing open?	What is the deadline to file?
1	Certificate of Candidate Qualification – General Assembly §§ 24.2-501 , 24.2-503 , and United States Constitution, Article 1, section 2, clause 2		With the Department of Elections. Postmarked by deadline if sent registered or certified USPS mail.	Tuesday, January 12, 2021.	Friday, January 22, 2021 at 5:00 p.m.
2	Statement of Economic Interest (SOEI) – General Assembly §§ 24.2-502 and 24.2-503		With the Department of Elections. Postmarked by deadline if sent registered or certified USPS mail.	Tuesday, January 12, 2021.	Friday, January 22, 2021 at 5:00 p.m.
3a	Declaration of Candidacy §§ 24.2-505 , 24.2-507 , 24.2-520 , and 24.2-522	Submit with the Petitions of Qualified Voters (3b).	Non-primary party candidates: You do not need to file. Independent candidates: With the General Registrar of your locality.	Non-primary party candidates: You do not need to file. Independent candidates: Tuesday, January 12, 2021.	Friday, January 22, 2021 at 5:00 p.m.

	What do I need to file?	Notes or other information	Where do I file this form?	When does filing open?	What is the deadline to file?
3b	<p>Petitions of Qualified Voters</p> <p>§§ 24.2-505(D), 24.2-506, 24.2-507, 24.2-521, and 24.2-522</p> <p>Administrative Code 1 VAC 20-50-20 and 1 VAC 20-50-30</p>	<p>Submit with the Declaration of Candidacy (3a).</p> <p>Independent candidates do not need to submit all signature pages at once.</p>	<p>Non-primary party candidates: You do not need to file.</p> <p>Independent candidates: With the General Registrar of your locality.</p>	<p>Non-primary party candidates: You do not need to file.</p> <p>Independent candidates: Tuesday, January 12, 2021.</p>	<p>Friday, January 22, 2021 at 5:00 p.m.</p>
4	<p>Statement of Organization for a Candidate</p> <p>§§ 24.2 Chapter 9.3 §§ 24.2 24.2-947.1</p>		<p>With the Department of Elections through COMET</p> <p>AND</p> <p>With the General Registrar of your locality.</p>	<p>Within 10 days of meeting specific conditions. See conditions listed here and in code 24.2-947.1.</p>	
5	<p>Campaign Finance Reports</p> <p>§§ 24.2 Chapter 9.3</p>		<p>With the Department of Elections through COMET</p>	<p>Candidate committees submit reports according to the appropriate reporting schedules for the years they are active. Schedules can be found on the Department's website.</p>	

Follow these steps to file your candidacy:

- 1 Fill out and submit the [Certificate of Candidate Qualification – General Assembly](#) (ELECT-501(FED)).



Find in Virginia Code §§ [24.2-501](#), [24.2-503](#), and the United States Constitution, Article 1, section 2, clause 2.



Non-primary party and independent candidates

File starting **Tuesday, January 12, 2021.**

File ending **Friday, January 22, 2021 at 5:00 p.m.**

All candidates can mail this form by the deadline and the Department of Elections will accept it.

You must:

- Pay the postage and send by registered or certified mail.
- Keep the receipt in case the Department of Elections asks for proof that you mailed this form before the deadline.



Submit the original form to the Department of Elections, 1100 Bank Street, 1st Floor, Richmond, 23219.

2. Fill out and submit the [Statement of Economic Interests](#).



Find in Virginia Code §§ [24.2-502](#) and [24.2-503](#).



Non-primary party and independent candidates

File starting **Tuesday, January 12, 2021**.

File ending **Friday, January 22, 2021 at 5:00 p.m.**

All candidates can mail this form by the filing deadline and we will accept it. You must:

- Pay the postage and send to the appropriate location by registered or certified mail.
- Keep the mailing receipt in case we ask for proof that you mailed this form on or before the deadline.



Submit this form to the Department of Elections.



If you need help with this form, contact the [Virginia Conflict of Interest and Ethics Advisory Council](#).

- Email: ethics@dls.virginia.gov
- Phone number: 804-698-1848

3a Fill out and submit a [Declaration of Candidacy](#) form (SBE-505/520).



Find in Virginia Code §§ [24.2-505](#), [24.2-507](#), [24.2-520](#), and [24.2-522](#).



Independent candidates

File starting **Tuesday, January 12, 2021**.

File ending **Friday, January 22, 2021 at 5:00 p.m.**

Your local General Registrar's Office must **receive** this form by the deadline listed above. A postmark or other mailing service timestamp does not qualify.



Submit the original form along with the Petitions of Qualified Voters to your local General Registrar's Office



If you are a party candidate nominated by a method other than a primary, then you do not need to submit a Declaration of Candidacy unless required by your party.

3b Collect petition signatures and submit the [Petitions of Qualified Voters](#) (SBE-506/521).



Find in Virginia Code §§ [24.2-505\(D\)](#), [24.2-506](#), [24.2-507](#), [24.2-521](#), and [24.2-522](#).

Find in [1 VAC 20-50-20](#) and [1 VAC 20-50-30](#).



Independent candidates

File starting **Tuesday, January 12, 2021**.

File ending **Friday, January 22, 2021 at 5:00 p.m.**

Your local General Registrar's Office must **receive** this form by the deadline listed above. A postmark or other mailing service timestamp does not qualify.



Submit the original form along with the Petitions of Qualified Voters to your local General Registrar's Office.



If you are a party candidate nominated by a method other than a primary, then you do not need to submit a Declaration of Candidacy unless required by your party.

When an independent candidate files petition pages with the General Registrar's Office for the first time, s/he must file his/her Declaration of Candidacy.

Candidates running for the special election may file petition pages more than once. See the table on page 11 for the number of signatures needed.

Independent candidates will appear on the ballot in the order of time of filing for the office - the time at which the independent candidate files the required number of petition signatures.

At the time of filing you can request notification of any problems that can be corrected before the filing deadline. Make this request in writing and address it to the Commissioner of the Department of Elections. He will try to get back to you but cannot guarantee a timely response.

If you do not qualify as a candidate because you did not have enough signatures, then you can submit an appeal to the Department of Elections regarding the petition signatures.

Submit your appeal **within 5 days** from when the disqualification notice was issued.

You will need to prove that you have the correct number of signatures from qualified voters before the deadline.

Find more information in [1 VAC 20-50-30](#).

Things to remember about petitions:

Petition Pages must...

- be on the form from the Department of Elections, and you cannot alter it in any way
- be either letter or legal size. Both are available on the [Department of Elections website](#).
- be one page printed on the front and back. You can make as many copies as you need.
- contain the signature, printed full name, and full residence address of each qualified voter and the date the voter signed. The last four (4) digits of the qualified voter's Social Security number are helpful, but not required.

The petition circulator...

- must be a legal resident of the United States and must sign the affidavit for each page in front of a notary.
- cannot be a minor.
- can be an individual who was convicted of a felony only if his/her voting rights are restored.
- cannot be the circulator of the page on which they sign the petition.

When filing your petition pages...

- Each page should contain signatures from only one locality. It is helpful to track signatures by locality, and there is a place on the page to enter that information.
- Please file the pages in ascending order by locality to facilitate processing.
- Deliver the Petitions for the US House Primary to the Congressional District Chairman of your party.
- Deliver the Petitions for the US House November General to the Department of Elections. The Department of Elections will ship the pages to the local general registrar in the jurisdiction the page was circulated for verification.

When collecting your petition signatures, it is helpful to remember that...

- Because people who are not registered to vote often sign petitions for candidates, we recommended that you collect at least 250 signatures.
- [1VAC20-50-20](#) lists material omissions for petition signatures and pages. If your petition has a material omission, it may render the page or signature invalid.

Petition Signature Requirements

Office you seek	Whose signature do you Need?	Number of petition signatures you need
Senate of Virginia	A qualified voter from the district where the candidate is seeking election	250 signatures

Can I withdraw my candidacy?



Find in Virginia Code § [24.2-612.2](#). ELECT offers [ELECT-612.2](#) to help facilitate the candidate withdrawal process.



A withdrawing candidate should submit his/her withdrawal notice with enough time before absentee voting commences in order to ensure his/her name is removed from the ballot.

If you submit your form after your local ballots are printed, your name will not be removed from the ballot, but you will no longer be a candidate.



Submit your written withdrawal to your [General Registrar](#). Electronic submissions of signed withdrawal notices are permissible.



To be withdrawn from the ballot you must submit a signed written notice declaring your intent to withdraw from the election.

The next two requirements relate to Campaign Finance accounts and reporting.

4 Fill out and submit [Statement of Organization for a Candidate](#).



Find in Virginia Code Title 24.2 [Chapter 9.3](#).

Within 10 days of one of the following:



- you accept a contribution.
- you spend any funds.
- you pay a filing fee.
- you file a Certificate of Candidate Qualification.
- you appoint a campaign treasurer, campaign committee, or campaign depository.



Submit copies to:

- [With the Department of Elections according to the instructions in COMET](#)
- [the General Registrar in the locality where you live after filing with the Department of Elections.](#)



If you do not submit this form you may have to pay penalties.
Learn about the [Campaign Finance Disclosure Act](#).

5 Submit Campaign Finance Reports



Find in Virginia Code Title 24.2 [Chapter 9.3](#).

Candidate committees submit reports according to the appropriate reporting schedules for the years they are active. Schedules can be found on the Department's [website](#).

Submit copies to: [Department of Elections through COMET](#).

General Disclaimer

The electronic version of this Candidate Bulletin can be found on the Department of Elections website:
<https://www.elections.virginia.gov/candidatepac-info/candidate-bulletins/index.html>

Candidates are responsible for complying with all current applicable local, state, and federal laws and regulations.

This Candidate Bulletin provides an overview of Virginia electoral requirements only. It does not purport to provide legal advice or binding statements of official policy. Rather, the Candidate Bulletin describes election law found in the Code of Virginia. Applicable laws and regulations are subject to change in content and interpretation.