

November 3, 2009 Elections

Candidacy Requirements

For

Local Offices

2009 ELECTION CALENDAR

This bulletin applies to local offices elected in November.

		⁴ DEADLINES (PERIODS) FOR FILING				
ELECTION TYPE	ELECTION DATE	² CANDIDATE DECLARATIONS/ PETITIONS	² OTHER CANDIDATE FORMS	³ PARTY CHAIRS CERTIFY CANDIDATES	LAST DAY TO REGISTER TO VOTE	DEADLINE TO APPLY FOR ABSENTEE BALLOT
¹ Primary	June 9	March 24 noon to April 10 5:00 p.m.	April 10 5:00 p.m.	April 15 5:00 p.m.	May 11	By Mail: June 2 In Person: June 6
PARTY NOMINATIONS, OTHER THAN BY PRIMARY ELECTION, MAY BE MADE NO EARLIER THAN MAY 8 AND MUST BE COMPLETED BY 7:00 P.M., JUNE 9.						
² General	November 3	NON-PARTY CANDIDATES June 9 7:00 p.m.	ALL CANDIDATES June 9 7:00 p.m.	June 15 5:00 p.m.	October 5	By Mail: October 27 In Person: October 31
<p>¹Notification of adoption of primary must be filed with the State Board of Elections by the party chair for the election district no sooner than February 19, 2009 nor later than March 11, 2009.</p> <p>NO PRIMARIES PERMITTED FOR ELECTED SCHOOL BOARD. Virginia law requires candidates for this office to file as independents. NO political party may nominate any candidate for elected school board. However, a political party may endorse a candidate for this office. Candidates for elected school board must follow either the General Election or for a vacancy, the appropriate Special Election schedule.</p> <p>Unless prohibited by the City or Town Charter, partisan elections are permitted for city and town council offices. Usually, non-partisan elections are held for town elections.</p> <p>²See the following pages for specifics as to forms required and where they are to be filed. The bulletin and forms are available on our website: http://www.sbe.virginia.gov OR for a \$10.00 prepaid fee, from the State Board of Elections. Make checks payable to: State Board of Elections (include the office and, if applicable, district in which you will seek election.) VOICE: 804-864-8901 Toll-free: 800-552-9745 TTY: Toll-free 800-260-3466</p> <p>³Forms for use in certification will be mailed to Party Chairs by State Board of Elections.</p> <p>⁴Candidates for special elections held on November 3, 2009 to fill vacancies in local offices which occurred on or after July 7, 2008 and prior to November 4, 2008 must file all required forms no later than 7:00 p.m. on June 9, 2009. For such vacancies occurring on or after November 4, 2008 and prior to July 6, 2009, the deadline for all candidates to file all required forms and for political parties to nominate and certify nominees is 5:00 p.m., August 21, 2009.</p>						
ON ANY ELECTION DAY - WHETHER GENERAL, PRIMARY, OR SPECIAL - THE POLLS ARE REQUIRED TO OPEN AT 6:00 A.M. AND CLOSE AT 7:00 P.M.						



INTRODUCTION

This bulletin and all required forms are available on our web site:

http://www.virginia.gov/cms/Cidate_Information/Index.html

Each document is explained in Item VI on Pages 4, 5, 6 and 7 herein.

Filing deadlines and the officer with whom the qualifying forms are filed are addressed for each candidate type, i.e., Primary Candidate, Party Candidate Nominated By Method Other Than A Primary and For An Independent (Non-Party) candidate.

Your particular attention is called to Item III on Page 2. This section addresses advertising and campaign material identification.

Should you have questions relating to your candidacy, please do not hesitate to call us on our toll-free line 800-552-9745 and ask for the Election Services Division. You also can reach us at 804-864-8901.





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I. LOCAL OFFICES

Listed below are the offices to which this bulletin applies:

A. **Constitutional Offices**

The deadlines in this bulletin apply to the offices of Commonwealth's Attorney, Sheriff, Commissioner of Revenue and Treasurer and for the aforementioned offices and Clerk of Court when *no earlier* election date was feasible to fill vacancies for such offices.

These officers serve all residents in the county or city they are elected to represent. In some instances, the officer is shared by a county and one or more cities. When such is the case, the officer represents the residents in all jurisdictions involved in the election.

Example: The Commonwealth's Attorney in the County of Prince William also represents the Cities of Manassas and Manassas Park. This is a county office that is shared by the two cities. Candidates for this office will appear on the ballot in all three jurisdictions.

B. **Board of Supervisors or City Council or Town Council** [IF THE OFFICE IS NORMALLY ELECTED IN NOVEMBER]

This county, city or town governing body may be elected either At Large or by district. When members are elected At Large, all voters in the county, city or town vote for the same candidates. If members are elected by district, only voters who reside in the district in which the candidate is running are eligible to vote for that candidate.

C. **Mayor** [IF THE OFFICE IS NORMALLY ELECTED IN NOVEMBER]

Elected At Large if the city or town charter specifies that this officer is elected by the voters,

D. **County School Board or City School Board or Town School Board** [IF THE OFFICE IS NORMALLY ELECTED IN NOVEMBER]

This office only will appear on the ballot if the voters of the county or city approved a referendum changing the method by which school board members are chosen, from appointment by the governing body or School Board Selection Commission to election by the voters.

Virginia law requires that these members be elected in the same manner and for the same term as the Board of Supervisors, City Council or Town Council. Item IB explains the manner in which they may be elected.

This election is required by law to be **non-partisan**. This means that no candidate for school board may be nominated by a political party but does not prohibit political endorsement of a non-party candidate.

I. LOCAL OFFICES (continued)

E. **Town Recorder or Town Treasurer** [IF THE OFFICE IS NORMALLY ELECTED IN NOVEMBER]

Only if the Town Charter specifies that these officers are elected by the voters. If elected, all town voters vote for these offices.

II. ELECTION DISTRICT

As used herein, election district means the area the candidate will represent if elected. See each local office listed above for details.

III. ADVERTISING AND CAMPAIGN MATERIALS

The Campaign Finance Disclosure Act imposes certain requirements relating to advertising and identification of campaign ads and materials, including sample ballots.

Refer to Chapter 14 in the *Candidate Campaign Committee Summary* published by the State Board of Elections for specific requirements. If you have questions relating to campaign finance, please call our toll-free number and ask for the Campaign Finance Division.

The following *additional* information is provided for your information:

A. **Sample Ballots**

Any **sample** of a paper or voting equipment **ballot** must contain the words **SAMPLE BALLOT**, the appropriate authority statement required by the Campaign Finance Disclosure Act and, in addition, must:

- (1) contain the words **SAMPLE BALLOT** in not less than 24 point type; and
- (2) be printed on paper of a color **other than white or yellow (canary)**.

B. **Posting**

Contact your County Administrator or City Manager to determine whether local ordinances prohibit or restrict the posting of campaign materials.

No locality shall have the authority to prohibit the display of political campaign signs on **private property** if the signs are in compliance with zoning and right of way restrictions applicable to temporary nonpolitical signs and if the signs have been posted with the permission of the owner of the property. [§15.2-109 of the Code of Virginia]

C. **Violations**

If you believe any election law has been violated and you have facts concerning the violation, you should report them in writing to the Commonwealth's Attorney in the county or city in which the violation happened.

Violations of state-owned right of way restrictions should be reported to your regional Virginia Department of Transportation office.

IV. VDOT INFORMATION

A “clean” campaign is a sign of the time



Don't “trash” your print budget or throw away volunteer time.

HIGHWAY WORKERS ARE REQUIRED BY LAW TO REMOVE POSTERS AND FLYERS ON SIGNS, GUARDRAILS - OR ANYWHERE ELSE ON STATE-OWNED RIGHT OF WAY. CAMPAIGN PRINT MATERIALS ARE TOO EXPENSIVE TO WIND UP IN THE BACK OF A VDOT TRUCK. AND VOLUNTEER TIME IS TOO VALUABLE TO BE WASTED ON PUTTING UP MATERIALS THAT ARE DESTINED TO COME DOWN.



Don't make highway workers “play politics” on the job.

PICKING UP POLITICAL MATERIALS IS A COSTLY ACTIVITY FOR VDOT. BUT THE COST TO THE CANDIDATE COULD BE EVEN HIGHER. VOTERS DON'T LIKE TO SEE THEIR TAX DOLLARS SUPPORTING SUCH ACTIVITIES. THEY EXPECT TO SEE HIGHWAY WORKERS PATCHING POTHOLES, FILLING LOW SHOULDERS, OR MOWING GRASS.



Don't risk someone's life.

ONE MISPLACED SIGN AT AN INTERSECTION COULD BLOCK A MOTORIST'S VISION - AND COST SOMEONE HIS LIFE. THAT'S WHY VDOT TRAFFIC ENGINEERS REVIEW THE PLACEMENT AND POSITION OF EACH HIGHWAY SIGN TO ENSURE SAFETY - AND TO MINIMIZE “VISUAL CLUTTER”. UNDERSTANDABLY, CAMPAIGN VOLUNTEERS ARE THINKING ABOUT VICTORY - NOT SAFETY. AND THAT COULD POSE A DEADLY PROBLEM.



Don't let campaign materials turn into litter.

MANY VOTERS VOLUNTEER THEIR TIME TO CLEAN UP ROADSIDES IN VDOT'S “ADOPT-A-HIGHWAY” PROGRAM. AFTER SPENDING SEVERAL BACK-BREAKING HOURS BENDING OVER TO PICK UP POLITICAL POSTERS, THEY WON'T FEEL TOO KINDLY TOWARDS THE NAMES AND FACES THAT THEY SEE OVER AND OVER AGAIN.



Don't get “stuck” by bumper stickers.

ONE LITTLE BUMPER STICKER CAN CAUSE A LOT OF EXPENSE. IF APPLIED TO A ROADSIDE SIGN, THE STICKY RESIDUE IS ALMOST IMPOSSIBLE TO REMOVE. THE SIGN MAY HAVE TO BE REPLACED ENTIRELY. THE LARGE GREEN HIGHWAY SIGNS, FOR EXAMPLE, CAN COST UP TO \$800. EVEN A HUMBLE STOP SIGN COSTS MORE THAN \$50. DON'T RISK ALIENATING VOTERS BY DESTROYING THE VERY SIGNS THAT THEIR TAX DOLLARS HAVE PAID FOR.

DO put signs, posters, and other campaign materials anywhere you want on private property with the owner's permission, of course. And because political signs and posters located off the right of way aren't considered “outdoor advertising”, you won't even need a permit.

VDOT - call your local Virginia Department of Transportation office for details.

V. QUALIFICATIONS TO BE A CANDIDATE

A candidate must be:

- ◆ Qualified to vote for and hold the office sought;
- ◆ A resident of the Commonwealth for one year immediately preceding the election;
- ◆ A resident, by the time of filing, of the county, city or town in which he offers for election; and
- ◆ If he is seeking a district seat, a resident of the election district to be represented.

VI. DOCUMENTS REQUIRED TO BE FILED

A candidate must file certain documents in order to qualify to appear on the ballot. Each form is described below. An explanation of who is required to file each item also is provided. Each document can be downloaded from our website:

http://www.sbe.virginia.gov/cms/Cidate_Information/Cidate_Forms.html

A. **Statement of Organization for a CANDIDATE**

Candidates for town offices in towns having population of less than 25,000 should contact the Town Clerk to determine if the governing body adopted an ordinance requiring candidates to comply with the provisions of the Campaign Finance Disclosure Act.

Candidates for all other local offices must comply with the provisions of the Act.

This document is prepared and distributed by the State Board of Elections. Any individual serving as campaign treasurer must be a qualified voter of the Commonwealth of Virginia. A candidate may serve as his own treasurer.

Virginia law requires each candidate to provide the name, residence address, e-mail address, date of birth and daytime telephone number of his campaign treasurer, the name of the financial institution in which he establishes his campaign account and the name of his campaign committee.

This document is required to be filed as soon as you meet any of the conditions listed in Chapter 2, Section 2.2 - **Establishing a Candidate Campaign Committee** in the *Candidate Campaign Committee Summary* published by the State Board of Elections. This document is also posted on our website:

http://www.sbe.virginia.gov/cms/Campaign_Finance_Disclosure/Index.html

B. **Certificate of Candidate Qualification**

This document is prepared and distributed by the State Board of Elections. **All** candidates are required to file this form.

VI. DOCUMENTS REQUIRED TO BE FILED (continued)

C. Declaration of Candidacy

This document is prepared and distributed by the State Board of Elections. It must be filed by primary election candidates and independent (non-party) candidates. If petitions also are required for the office sought, the Declaration must be filed **at the same time** as the petitions. See Item VI D2 on the next page for number of signatures required on petitions.

Candidates for political party nomination by a method **other than a primary** file this declaration and the petitions described below only if so required by the rules of the political party. Contact your county or city chair to determine if they are required.

D. Petition of Qualified Voters

This document is prepared and distributed by the State Board of Elections. Petitions containing at least the number of signatures required for the office sought must be filed **together with** the *Declaration of Candidacy*. Petitions, if required, **cannot** be circulated until **after** January 1, 2009. See Item VI D2 on the next page for number of signatures required on petitions.

1. Petition Circulator

Petitions may be circulated either by the candidate or by another person who is, or who is eligible to be, registered and qualified to vote for the office and, if applicable, in the district for which the petition is circulated. For At Large seats, by any eligible resident of the county or city or town in which the candidate is seeking election; for a specific district or ward, by any eligible resident of the **same** district or ward as the candidate.

The person circulating the petition must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of each signature. Falsely taking this affidavit is a felony under Virginia law. The circulator can **NEVER** leave the petition unattended, e. g., left on the counter at a grocery store, restaurant, etc.

VI. DOCUMENTS REQUIRED TO BE FILED (continued)

2. Number of Signatures Required

Petitions must contain the signatures of at least 125 qualified voters of the district. See **EXCEPTIONS** below.

EXCEPTIONS

Board of Supervisors or School Board

– District has 1,000 or fewer registered voters as of January 1, 2009

If a board of supervisor or school board election district has 1,000 or fewer registered voters as of January 1, 2009, petitions must contain the signatures of at least 50 qualified voters of the district.

Town Offices

– Town has more than 1,500 registered voters as of January 1, 2009

If a town has **more than 1,500 registered voters as of January 1, 2009**, the following signature requirements apply:

- for **At Large seats**, signatures of at least **125** qualified voters of the town;
- for **town district** seats, signatures of at least **25** qualified voters of the town district seat.

– Town has 1,500 or fewer registered voters as of January 1, 2009

NO petition is required.

Call your General Registrar to confirm which signature requirement applies to you.

The State Board recommends that a candidate get at least half again the number of signatures required to assure that enough signers are qualified voters.

VI. DOCUMENTS REQUIRED TO BE FILED (continued)

E. Statement of Economic Interests

This document is prepared by the Secretary of the Commonwealth and should be available from the Clerk of the governing body, the Clerk of the school board or the Clerk of the City or Town council.

It is required to be filed by all candidates for any constitutional office. It is also required to be filed by candidates for board of supervisors, city council, school board and town council in **counties, cities and towns having a population in excess of 3,500.**

Exception - Individuals who are officers or employees need not re-file this form as candidates if they met the requirement for filing in January 2009.

VII. PRIMARY FILING FEE

As the name suggests, this fee is required to be filed **ONLY** by primary election candidates. The amount required to be paid is 2% of the annual salary for the office sought in effect in the year in which the candidate files. Contact the finance officer of the county or city for details.

NOTE: Candidates who are nominated by a political party by a method **other than** a primary election may be required to pay a filing fee. This fee is determined by the rules of the political party. Contact your county or city chair for details.

VIII. FILING DEADLINES AND WHERE TO FILE

REV 3/14/09

For A Primary Candidate

Items 1, 2 and 3 must be received by the appropriate *Political Party Chair* by the filing deadline. Postmarks are acceptable **only** for *Items 4 and 5* and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

NOTE: Candidates for **constitutional offices** shared by a county and one or more cities must file the Declaration of Candidacy, petitions and receipt indicating payment of filing fee with the Political Party Chair of the County. Candidates for non-shared constitutional offices or county or city governing body must file those documents with the political party chair of their county or city of residence.

PRIMARY FILING FEE	WHERE TO FILE	FILING DEADLINE
Filing Fee equal to 2% of the annual salary for the office sought in effect on January 1, 2009. Contact the finance officer of the county or city.	Treasurer or Director of Finance of the county or city where the candidate resides	5:00 p.m. 4/10/09
REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy	Chair of the Political Party Committee of the county or city, as appropriate. See NOTE at the top of this page.	No earlier than Noon on 3/24/09 and no later than 5:00 PM on 4/10/09
*2. Petitions of Qualified Voters		
3. Receipt for Payment of Primary Filing Fee		
*4. Certificate of Candidate Qualification	General Registrar of the candidate's county or city of residence	5:00 p.m. 4/10/09
*5. Statement of Economic Interests		
*6. Statement of Organization for a Candidate**	Refer to Chapter 2 in the <i>Candidate Campaign Committee Summary</i> published by the State Board of Elections	

DO'S AND DON'TS FOR A PRIMARY ELECTION

See http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONT1P.pdf and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

See http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS2P.pdf

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

Any person who fails to file all the required forms by the above deadline MAY NOT have his name printed on the Primary Election ballot.

* Refer to Pages 4, 5, 6 and 7 herein for details.

** The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

IX. FILING DEADLINE AND WHERE TO FILE

REV 3/14/09

**For A Party Candidate
Nominated By Method Other Than A Primary**

*For A General Election
and
For Special Elections to fill vacancies
occurring before November 4, 2008*

Postmarks are acceptable **only** if these documents are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Certificate of Candidate Qualification	General Registrar of the candidate's county or city of residence	7:00 p.m. 6/9/09
*2. Statement of Economic Interests		
*3. Statement of Organization for a Candidate**	Refer to Chapter 2 in the <i>Candidate Campaign Committee Summary</i> published by the State Board of Elections	

DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION

See http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS1_GE.pdf

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

See http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS2G.pdf

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

**Any person who fails to file all the required forms by the above deadline
MAY NOT have his name printed on the General or Special Election ballot.**

* Refer to Pages 4, 5, 6 and 7 herein for details.

** The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

X. FILING DEADLINE AND WHERE TO FILE

REV 3/14/09

**For A Party Candidate
Nominated By Method Other Than A Primary**

*For Special Elections to fill vacancies
occurring on or after November 4, 2008 and before July 6, 2009
or to fill a vacancy in a Constitutional Office as provided in § 24.2-228.1*

Postmarks are acceptable **only** if these documents are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Certificate of Candidate Qualification	General Registrar of the candidate's county or city of residence	5:00 p.m. 8/21/09
*2. Statement of Economic Interests		
*3. Statement of Organization for a Candidate**	Refer to Chapter 2 in the <i>Candidate Campaign Committee Summary</i> published by the State Board of Elections	

DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION

See http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS1_GE.pdf

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

See http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS2G.pdf

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

**Any person who fails to file all the required forms by the above deadline
MAY NOT have his name printed on the Special Election ballot.**

* Refer to Pages 4, 5, 6 and 7 herein for details.

** The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

XI. FILING DEADLINE AND WHERE TO FILE

REV 3/14/09

For An Independent (Non-Party) Candidate

***For A General Election
and
For Special Elections to fill vacancies
occurring before November 4, 2008***

Items 1 and 2 listed below **must be received** by the *General Registrar* by the filing deadline. Postmarks are acceptable **only** for *Items 3 and 4* and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy *2. Petitions of Qualified Voters *3. Statement of Economic Interests *4. Certificate of Candidate Qualification	General Registrar of the candidate's county or city of residence***	7:00 p.m. 6/9/09
*5. Statement of Organization for a Candidate**	Refer to Chapter 2 in the <i>Candidate Campaign Committee Summary</i> published by the State Board of Elections	

DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION

See http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS1_GE.pdf

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

See http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS2G.pdf

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

Any person who fails to file all the required forms by the above deadline MAY NOT have his name printed on the General or Special Election ballot.

* Refer to Pages 4, 5, 6 and 7 herein for details.
 ** The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.
 *** Candidates for town offices in a town that is located in two counties must file forms with the General Registrar of the County in which the greater portion of the town lies (the county responsible for holding the election).

XII. FILING DEADLINE AND WHERE TO FILE

REV 3/14/09

For An Independent (Non-Party) Candidate

***For Special Elections to fill vacancies
occurring on or after November 4, 2008 and before July 6, 2009
or to fill a vacancy in a Constitutional Office as provided in § 24.2-228.1***

Items 1 and 2 listed below **must be received** by the *General Registrar* by the filing deadline. Postmarks are acceptable **only** for *Items 3 and 4* and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy	General Registrar of the the candidate's county or city of residence	5:00 p.m. 8/21/09
*2. Petitions of Qualified Voters		
*3. Statement of Economic Interests		
*4. Certificate of Candidate Qualification		
*5. Statement of Organization for a Candidate**	Refer to Chapter 2 in the <i>Candidate Campaign Committee Summary</i> published by the State Board of Elections	

DO'S AND DON'TS FOR A GENERAL OR SPECIAL ELECTION

See http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS1_GE.pdf

and

GUIDELINES FOR POLLWORKERS AND AUTHORIZED REPRESENTATIVES

See http://www2.sbe.virginia.gov/election/candidates/bulletins/local-offices/DOS_DONTS2G.pdf

Provide this information to any person who will either serve as your representative inside the polls or work for you outside the polls on election day.

**Any person who fails to file all the required forms by the above deadline
MAY NOT have his name printed on the Special Election ballot.**

* Refer to Pages 4, 5, 6 and 7 herein for details.

** The failure to file the Statement of Organization for a Candidate is not cause for disqualification. However, you are subject to penalties required by the Campaign Finance Disclosure Act.

XIII. NOTICE OF DEFICIENCIES IN DECLARATION OR PETITIONS

An independent [non-party] candidate may request notification of any problems with his filing that can be corrected before the filing deadline. This request **must be in writing** as required by § 24.2-505 of the *Code of Virginia*.

This letter must be addressed to the Secretary of the Electoral Board of the candidate's county or city of residence. It must accompany the declaration of candidacy and, if required, the petitions filed with the General Registrar.

The written request **does not guarantee** timely response. Certain factors, may affect the electoral board's ability to comply with the request, that is, the number of filings, etc. It is suggested that documents be filed **at least ten [10] working days before the filing deadline** if this notice is requested.

XIV. OTHER REQUIRED REPORTS

All candidates must file *pre-election* and *post-election* Reports of Campaign Contributions and Expenditures. These reports are filed **only** with the Electoral Board of the candidate's county or city of residence unless the candidate opts to file reports electronically. Electronic filings are made only to the State Board of Elections. For more information, visit our website:

http://www.sbe.virginia.gov/cms/Campaign_Finance_Disclosure/Index.html

No certificate of election can be issued to any successful candidate who fails to file the required reports.

Exceptions - A candidate for local office who files an exemption form certifying that he has not and will not solicit or accept any contribution from any other person during the course of his campaign and has not and will not contribute or expend more than \$1,000 during the course of this campaign, is required to file reports of large pre-election contributions and a final report. A form for this purpose is prepared and distributed by the State Board of Elections.

Candidates for town council offices **in a town with a population of less than 25,000**, are exempt from the provisions of the Campaign Finance Disclosure Act unless the town council has adopted an ordinance requiring town candidates to comply with the provisions of the Act. Check with the Town Clerk to determine if such an ordinance has been adopted.

XV. ORDER OF NAMES ON BALLOTS

In **Primary Elections**

Candidates appear on the ballot in the order in which they file. This is why no candidate may file earlier than Noon on March 24, 2009, nor later than 5:00 p.m. on April 10, 2009. If two or more candidates file at the same time, the order in which they appear will be determined by a drawing conducted by the Electoral Board of the county or city.

In **General and Special Elections**

The candidates of political parties appear first on the ballot in the order determined by a drawing conducted by the State Board of Elections. Non-partisan or independent candidates appear in alphabetical order following the candidates of political parties.

In multi-seat districts, if more than one candidate is nominated by the same party or more than one independent candidate qualified, such candidates appear alphabetically within their party groups.

XVI. THE SUCCESSFUL CANDIDATE

Any successful candidate for a constitutional office or for any other office in **counties, cities and towns having a population in excess of 3,500** must file, as a condition to assuming office, with the **Clerk of the Board of Supervisors** or the **Clerk of the School Board** or the **Clerk of the City or Town Council** as appropriate, a **second** Statement of Economic Interests as required by §§ 2.2-3115 and 2.2-3116 of the *Code of Virginia* **prior to taking office**, and annually thereafter by January 15 of each year. Forms are prescribed by the Secretary of the Commonwealth and should be available from the appropriate Clerk.

The successful candidate in a *general election* is required by law to qualify and take the oath of office on or before the term of office begins or, for a county, city or town governing body or school board, no later than the initial meeting of the county, city or town governing body or school board.

The successful candidate in a *special election* is required by law to qualify and take the oath of office within thirty days of the election.

Failure to qualify in a timely manner creates a vacancy in the office.

XVII. FREQUENTLY ASKED QUESTIONS

Listed below are the most commonly asked questions. If you need further details, please call us on our toll-free number.

A. Who may circulate a candidate's petitions?

A candidate may circulate his own petitions but is not required to do so. A candidate's petitions may be circulated by any person who is, or who is eligible to be, a registered and qualified voter of the election district. See Item VI D1 herein for details.

The person circulating the petition must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of each signature. Falsely taking this affidavit is a felony under Virginia law. The circulator can **NEVER** leave the petition unattended, e. g., left on the counter at a grocery store, restaurant, etc.

B. I am circulating a petition for a candidate. May I also sign as a qualified voter the petition that I am circulating?

I am a Notary circulating petitions for a candidate. May I notarize the petition pages I circulate?

NO TO BOTH. The person circulating the petition must swear, under oath, that he **personally witnessed** the affixing of each signature on the petition and no person can witness his own signature.

C. I am a candidate and a Notary. May I notarize the petition pages circulated by other persons?

NO. § 47.1-30 of the *Code of Virginia* prohibits a notary from performing a notarial act on any document in which the notary or his spouse is a party, **or** in which either of them has a direct beneficial interest.

Any Notary who violates these provisions is considered guilty of official misconduct, may be removed from office and may be subject to other penalties.

D. I work for the federal government. Can I be a candidate?

Pursuant to the federal law commonly known as the Hatch Act, you may be a candidate in a **non-partisan election** or, if you live in the Counties of Arlington, Fairfax, Loudoun, Prince William, Spotsylvania or Stafford or the Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park or Portsmouth, you may be an **independent candidate for local office in a partisan election**. An election is considered partisan if any of the candidates for the office you would seek are nominated by a political party.

XVII. FREQUENTLY ASKED QUESTIONS (continued)

D. I work for the federal government. Can I be a candidate? (continued)

To determine whether you might also be affected by the rules and regulations of the agency for which you work, **contact your personnel officer.**

It should also be noted that most employees of the legislative branch of the federal government are not covered by the Hatch Act but may be affected by other rules and regulations.

E. I work for the state or a local government. Can I be a candidate?

Some state and local government employees **are prohibited** from being candidates. You may be so prohibited if your Agency receives federal funds. **Contact the personnel officer where you work.** If necessary, present the facts of your case in writing, including the office you wish to seek, to the **Office of the Special Counsel**, 1730 M Street NW, Suite 300, Washington, D. C. 20036 or call them at 800-872-9855 or 202-254-3600. That office will determine if you are affected by the Hatch Act.

Most state and local government employees are not prohibited by law from being a candidate. However, you may be affected by the rules and regulations of the agency or ordinances of the government for which you work. **Contact your personnel officer.**

F. I do business with my local government. Am I prohibited from holding office on its governing body due to a conflict of interest?

Contact an attorney to determine whether or not the provisions of the State and Local Government Conflict of Interests Act [§§ 2.2-3100 through 2.2-3127 of the *Code of Virginia*] might affect your ability to hold the office you intend to seek.

G. I am an employee of the school board. Can I be a candidate for school board?

Yes, provided no local rules prohibit the candidacy but, if elected, you must resign the employee position held. An employee of the school board **may not serve** on that school board.

H. Can a political party endorse a candidate for elected school board?

YES. Endorsements **do not constitute** nomination by the political party.