

REV 5/8/12

Federal Law, Deadlines and Ballot Access Requirements

General Election for President Tuesday, November 6, 2012

The Democratic Party of Virginia and the Republican Party of Virginia are the only organizations currently recognized as political parties under § 24.2-101 of the Code of Virginia. Therefore, they are the only political parties permitted to select a Presidential Primary in connection with the respective national conventions in the summer of 2012.

The following information is provided concerning the manner in which individuals who **ARE NOT** the national nominees of either the Democratic Party or the Republican Party may qualify to have their names placed on Virginia's general election ballot for President of the United States.

General Disclaimer: The information contained in this document is provided with the aim of providing an overview of federal and Virginia electoral requirements. This document, and its contents, however, is not meant as legal advice or as a binding statement of official policy. Such laws are subject to change in content and interpretation. Candidates are responsible for verifying the status of current law and compliance with same.

Special Note: The Petition of Qualified Voters for Electors for President and Vice-President must identify the group's or Independent candidate's electors before it may be circulated. Section 24.2-203 permits replacement of electors on December 17, 2012 only in cases of death, failure or inability to attend, refusal to act or other cause. Replacing an unqualified elector is not addressed.

Federal Law

Federal statutes impose certain requirements on a candidate for President. They are:

-
- Must be a natural born citizen of the United States who is at least 35 years of age, who has been a resident of the United States for 14 years, who is a resident of and qualified voter in a State other than the State in which the Vice-Presidential candidate is a resident and qualified voter.
 - Obtain a Vice Presidential running mate who is a resident of and qualified voter in a State other than the State in which the Presidential candidate is a resident and qualified voter.
 - Obtain **2** Electors from the Commonwealth of Virginia at large and **1** Electoral from each of Virginia's 11 congressional districts. Each elector must be a resident and qualified voter of the district for which he/she serves. If they receive the highest number of votes cast at the general election, each elector **must vote** for the persons named for President
-

and Vice President in the petition at the Electoral College.

Members of the United States Senate or House of Representatives and employees of the United States government are prohibited by the Constitution of the United States from serving as electors.

- Comply with the requirements of the Federal Election Campaign Act imposed on candidates and committees. This Act requires candidates and committees to register and disclose campaign receipts and expenditures and to abide by certain contribution limits and prohibitions.

The Act further requires that an Authorization Notice appear on any public political advertising.

These regulations are published by, and available from, the Federal Election Commission, 999 E Street NW, Washington DC 20463. You also may request this information by phone: 800-424-9530 or on the Internet at <http://www.fec.gov>.

Deadlines

DEADLINE	ACTION REQUIRED
Sunday, January 1, 2012 § 24.2-543	First day on which presidential petitions may be circulated for the November 6, 2012 General Election. See Federal Law Requirements For Presidential Candidate and Ballot Access Requirements in this bulletin for details.
On or before Friday, February 24, 2012 § 24.2-543	Deadline by which a group which wishes to use a selected party name on the presidential ballot must have in place: <ol style="list-style-type: none">1. A state central committee composed of registered voters from each congressional district in Virginia;2. A party plan and bylaws; and3. A duly designated chairman and secretary.
Friday, August 24, 2012 by Noon § 24.2-542 § 24.2-543	Deadline for other groups to file presidential petitions with the State Board of Elections. See Ballot Access Requirements in this bulletin for details. Deadline for other groups to file the Certificate of Candidate Qualification signed, under oath, by each elector whose name appears on the petitions.

DEADLINE	ACTION REQUIRED
<p>Friday, August 24, 2012 by Noon § 24.2-542 § 24.2-543</p>	<p>Deadline for a group wishing to use a party name on the presidential ballot to file with the State Board of Elections the following:</p> <ol style="list-style-type: none"> 1. An affidavit, under oath, that the group has: <ol style="list-style-type: none"> a. A state central committee composed of registered voters from each congressional district in Virginia; b. A party plan and bylaws; and c. A duly designated chairman and secretary. 2. A list of the names and resident addresses of the officers and members of the state central committee; and 3. A copy of the party plan and bylaws.
<p>Friday, September 7, 2012 § 24.2-542 § 24.2-542.1</p> <p>§ 24.2-203</p>	<p>Deadline for a group qualified to use selected party may certify to the State Board of Elections, a substitute candidate for President or Vice President due to that candidate's death or withdrawal.</p> <p>Deadline by which the candidate for President of a group not qualified to use a selected party name may certify a substitute candidate for Vice President to the State Board of Elections.</p> <p>Vacancies in the office of Elector, for whatever reason, are filled by a plurality vote of the remaining Electors when they meet on the first Monday after the second Wednesday in December.</p>
<p>Monday, October 15, 2012 § 24.2-414</p>	<p>Last day on which a person may apply for voter registration for the presidential election. All registration books close on this day. See Who May Vote in this bulletin for details.</p>
<p>Tuesday, October 30, 2012 § 24.2-701 B 2</p>	<p>Deadline for receipt of absentee ballot application sent by mail, FAX or e-mail to be received by the General Registrar of the voter's county of city of residence. See State Board of Elections website for details: http://www.sbe.virginia.gov</p>

DEADLINE	ACTION REQUIRED
Saturday, November 3, 2012 § 24.2-701 B 1	5:00 PM - Deadline for voter to apply and vote absentee in-person in the office of the General Registrar of his county or city of residence.
Tuesday, November 6, 2012 § 24.2-101	ELECTION DAY
Monday, November 26, 2012 § 24.2-679	State Board of Elections meets to ascertain results of the presidential election.

Ballot Access Requirements

Candidates wishing to participate in the **presidential general election** must follow the procedures outlined below.

Petition Requirements § 24.2-542 § 24.2-543	<p>Circulate on and after January 1, 2012.</p> <hr/> <p>Must be on the form prescribed by the State Board of Elections. It is suggested that the candidate or group complete the top portion of the petition form and then print or photocopy as many copies of the form as needed. The form may not be altered in any way.</p> <p>The following information must be entered in the top portion of the petition before any voter signs it:</p> <ol style="list-style-type: none"> 1. The name of each Elector: First name, middle or maiden name or initial, if one, last name, and suffix, if any; 2. The names of the candidates for President and Vice President for whom the Electors must vote in the Electoral College, if elected; 3. If the potential candidates are to represent a group qualified to use a selected party name, the party name (a party emblem may be placed on the petition with the party group name but it will not appear on the ballot), OR 4. If the potential candidates do NOT represent a group qualified to use a selected party name, leave this space blank (the candidate will be designated as "Independent" on the ballot). <hr/> <p>Must be signed by not less than 10,000 qualified voters in Virginia, including at least 400 qualified voters from each of Virginia's eleven congressional districts.</p> <p>It is recommended that 15,000 - 20,000 signatures be obtained with at least 700 signatures from each congressional district because many</p>
--	--

people who are not registered to vote will sign a petition.

Must provide the true signature, the **printed** full name and the full resident address of each qualified voter and the date each signed the petition.

Although the last 4 digits of the social security number is requested, it is not mandatory that it be provided.

Petition Requirements (continued)

Each petition must include an affidavit signed under oath by the person who circulated it that he/she personally witnessed the affixing of the signature of each voter and that he/she is either (i) a constitutionally qualified presidential candidate or (ii) a legal Virginia resident and not a minor or a felon whose voting rights have not been restored (**REV 4/30/12; [VA Acts of Assembly, Chapter 166](#)**).

Note that a circulator cannot witness his own signature. Falsely signing this affidavit is a felony under Virginia law.

The petition **NEVER** can be left unattended.

It is suggested that petitions be filed in county/city order to facilitate the processing of the filing. If you track the number of signatures by congressional district, you would enter the appropriate congressional district number [optional]. The State Board recommends that each petition contain signatures from only one county or city and, therefore, circulators should prepare a separate petition for each locality.

Regulation on Material Omissions on Candidate Petitions REV 5/8/12

The State Board of Elections' Material Omission Regulation identifies what does and does not constitute a material omission on a candidate's petition for the purpose of disallowing the petition.

Special Note: The State Board is in the process of formally revising its Material Omission Regulation to reflect the new petition circulator standard. In the interim, the regulation's proposed new language is included for your convenience (new language in B 4).

1VAC20-50-20. Material omissions from candidate petitions.

A. Pursuant to the requirements of § 24.2-506 of the Code of Virginia, a petition should not be rendered invalid if it contains an error or omission not material to its proper processing.

B. The following omissions are always material and any petition containing such omissions should be rendered invalid if:

1. The petition submitted is not the double-sided, two-page document, or a copy thereof, provided by the State Board of Elections;
2. The petition does not have the name, or some variation of the name, and address of the candidate on the front of the form;
3. The circulator has not signed the petition affidavit and provided his current address;

~~4. The circulator is not a registered voter or qualified to register and vote for the candidate;~~ The circulator is (i) not a legal resident of the Commonwealth; (ii) a minor; or (iii) a felon whose voting rights have not been restored;

5. The circulator has not signed each petition he circulated in the presence of a notary;

6. The circulator has not had a notary sign the affidavit for each petition submitted; or

7. Any combination of the scenarios of this subsection exists.

C. If the circulator signs the petition in the "Signature of Registered [Voters, " Voter, "] his signature shall be invalidated but the petition shall be valid notwithstanding any other error or omission.

D. The petition should not be rendered invalid if:

1. An older version of the petition is used (provided that the information presented complies with current laws, regulations, and guidelines);

2. The "office sought" is omitted;

3. The "congressional district" is omitted;

4. The "election information" including (i) county, city, or town in which the election will be held; (ii) election type; and (iii) date of election are omitted;

5. The name of the candidate and office sought are omitted from the back page of the petition;

6. The circulator has not indicated the county, city, or town of his voter registration or voter eligibility in the affidavit;

7. The circulator has not provided the last four digits of his social security number in the affidavit;

8. The notary has not affixed a photographically reproducible seal; or

9. The notary has not included his registration number and commission expiration date.

Frequently Asked Questions Regarding Petitions

The following are frequently asked questions received regarding the petition process:

1. Do I have to print the petition double-sided or may I staple two separate pages together and circulate?

Answer: A petition page is a double-sided document with both a front and back. You need to print out the petition double-sided. The front and back of the petition cannot be stapled together and circulated as one petition page.

2. What happens if I need additional time to gather the required number of signatures?

Answer: The State Board of Elections has no authority to accept additional petitions after 12 PM, Friday, August 24, 2012.

3. Who is responsible for ensuring my petition signers and circulators are eligible to sign and/or circulate my petition?

Answer: **The candidate.** As a courtesy, the State Board of Elections has the option of verifying the number of qualified voters that have signed a candidate's petitions prior to the filing deadline for the purpose of alerting the candidate of deficiencies. However, it is the candidate's ultimate responsibility to ensure that he or she gathers the requisite number of signatures of qualified voters, utilizes eligible circulators, and otherwise follow the procedures laid out in the law.

4. Is it required for the petitions to be notarized?

Answer: Yes. Section 24.2-543 requires that each petition circulator's affidavit be notarized. Circulators should verify that the notary provides their photographically reproducible notary seal/stamp, notary registration number, date notary commission expires and notary signature to each petition page.

5. I see two versions of the Petition of Qualified Voters form available on your website, which one should I use?

Answer: Either the letter size (8 ½" x 11") or legal size (8 ½" x 14") petition may be used. The legal size version contains more signature lines than the letter size version. The letter size version fits more neatly on a clip board. Personal preference will prevail.

Must be filed with the State Board of Elections **no later than Noon on Friday, August 24, 2012.**

Write-Ins
§ 24.2-644

Write-in votes for President and Vice President will be counted only if the following requirements are met:

1. The candidates for President and Vice President file with the State Board of Elections, the joint declaration of intent to be write-in candidates. (Prescribed form enclosed.)
2. The joint declaration of intent includes a list of the thirteen presidential electors pledged to those candidates.
3. The joint declaration of intent is received by the State Board of Elections **on or before October 27, 2012.**

Who May Vote
§ 24.2-400
§ 24.2-401
§ 24.2-402

Any person who is registered to vote in the precinct where he resides may vote in the presidential general election.