Commonwealth of Virginia
STATE BOARD OF ELECTIONS

1100 Bank Street, 1st Floor
Richmond, VA 23219-3642

1/20/10

Candidacy Requirements

For

House of Delegates
41st District

March 2, 2010
Special Election

VOICE: 804-864-8901
VOICE TOLL-FREE: 800-552-9745

TTY TOLL-FREE: 800-260-3466
FAX: 804-371-0194

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INTRODUCTION

This bulletin and all required forms are available on our website:

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

Each document is explained in Item V on Pages 3, 4 and 5 herein.

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

Your particular attention is called to Item I on Page 1. This section addresses advertising and campaign material identification.

Should you have questions relating to your candidacy, please do not hesitate to call our toll-free line (800)-552-9745 and ask for the Election Services Division **OR** if your questions relate to campaign contributions and expenditures, campaign advertising, or disclaimers, ask for the Campaign Finance Division. You also can reach us at 804-864-8901.

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I. 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 is provided for your additional information:

A. **Sample Ballots**

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

(a) contain the words **SAMPLE BALLOT** in not less than 24 point type; and

(b) 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 the law has been violated and you have facts concerning the violation, you should report these facts 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.

II. 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 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 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 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.

III. QUALIFICATIONS TO BE A CANDIDATE

A candidate must be:

- ✦ Qualified to vote for and hold the office sought;
- ✦ Twenty-one years of age by the time of the election;
- ✦ A resident of the Commonwealth for one year immediately preceding the election; and
- ✦ A resident, by the time of filing, of the House of Delegates district to be represented.

IV. DISQUALIFICATION - CFDA REPORTS NOT FILED FOR PRIOR ELECTION

Individuals who are seeking, and who during the preceding five years have campaigned for, the offices of Governor, Lieutenant Governor, Attorney General, the Virginia Senate or House of Delegates must have filed all required campaign contributions and expenditures reports for those past campaigns in order to qualify as a new candidate for any of these offices. This is required by § 24.2-948.3 of the *Code of Virginia* and is in addition to other requirements for candidacy.

V. 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

This document is prepared and distributed by the State Board of Elections. **All** candidates are required to file this form. Any individual serving as campaign treasurer must be a qualified voter of the Commonwealth. A candidate may serve as his own treasurer.

For further details, see Chapter 2 in the *Candidate Campaign Committee Summary* published by the State Board of Elections and also found 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.

V. 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. It must be filed **at the same time** as the petitions.

Candidates for political party nomination by a method **other than a primary** file the declaration and the petitions described below, only if so required by the rules of the political party. Contact your district 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 must be filed by all independent (non-party) candidates.

1. Petition Circulator

Petitions can be circulated either by the candidate or by any person who is, or who is eligible to be, registered and qualified to vote in the House of Delegates district in which the candidate is seeking election. 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.

2. Number of Signatures Required

Petitions must contain the signatures of at least **125** qualified voters of House District 41. 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.

E. Statement of Economic Interests

This document is available from the Clerk of the House of Delegates and at the State Board of Elections website:

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

It is required to be filed by all candidates for this election.

VI. FILING DEADLINE AND WHERE TO FILE

For A Party Candidate Nominated By Method Other Than A Primary

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 State Board of Elections.

REQUIRED FORMS		WHERE TO FILE	FILING DEADLINE
*1.	Certificate of Candidate Qualification	State Board of Elections	5:00 p.m. 1/29/2010
*2.	Statement of Economic Interests	Clerk of the House of Delegates	5:00 p.m. 1/29/2010
*3.	Statement of Organization for a Candidate **	Refer to Chapter 2 in the *Candidate Campaign Committee Summary* 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 3 and 4 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.

VII. FILING DEADLINE AND WHERE TO FILE

For An Independent (Non-Party) Candidate

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 State Board of Elections.

REQUIRED FORMS*	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy *2. Petitions of Qualified Voters	General Registrar of the candidate's county of residence	5:00 p.m. 1/29/2010
*3. Statement of Economic Interests	Clerk of the House of Delegates	5:00 p.m. 1/29/2010
*4. Certificate of Candidate Qualification	State Board of Elections	5:00 p.m. 1/29/2010
*5. Statement of Organization for a Candidate **	Refer to Chapter 2 in the *Candidate Campaign Committee Summary* 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 3 and 4 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.

VIII. REQUIREMENTS FOR INDEPENDENT CANDIDATE TO USE PARTY ID ON THE BALLOT

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The General Assembly enacted legislation permitting an Independent to be identified on the ballot as a member of a political party (other than the Democratic Party or the Republican Party). In order to do so, the State Chair of the group must provide certain documents to the State Board of Elections **no later than 5:00 PM on Friday, January 29, 2010**.

These documents are:

1. An affidavit signed by the State Chair of the group, under oath, stating that the group:

    a. Has been in existence for at least six months prior to the filing deadline (existed on or before July 29, 2009);

    b. Has a state central committee composed of registered voters from each of Virginia's 11 congressional districts;

    c. Has a party plan and bylaws; and

    d. Has 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;

3. A copy of the party plan and bylaws; and

4. A letter signed by the State Chair of the group, certifying that the individual is the nominee of the Party and, if his filing is adequate and he is determined to be qualified, is eligible to be identified as such on the March 2, 2010 ballot for the (provide office title) and in the (provide district number) for which he filed as an Independent candidate.

NOTE:

The State Board of Elections recommends that the Independent candidate **immediately** provide this information to the State Chair of the political party if he wishes to be identified as a member of a specific group on the March 2 ballot to assure that deadline for providing this information is met.

IX. 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 petitions filed with the General Registrar.

The written request **does not guarantee** timely response. Certain factors may affect the electoral board's ability to follow through, in this case, the time frame between the calling of the election and the filing deadline.

X. OTHER REQUIRED REPORTS

All candidates must file *pre-election* and *post-election* reports of Campaign Contributions and Expenditures. These reports are filed with the State Board of Elections **and**, if reports are filed in paper form, with the Electoral Board of the candidate's county or city of residence. See Candidate Reporting Schedule for dates reports are due.

The State Board of Elections will canvass the March 2 election on **March 3, 2010**. A certificate of election will be prepared by the Board on that day. This certificate of election cannot be issued to any person elected until all required reports are filed. The successful candidate may file the post-election report so that it is received by the State Board and, if reports are filed in paper form, the local Electoral Board, no later than March 3, 2010. It must include activity through election day.

No certificate of election can be issued to any successful candidate who fails to file the required reports. The member-elect must take office prior to Noon on March 3, 2010.

XI. ORDER OF NAMES ON BALLOTS

In **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. Candidates representing any other recognized political party (see Item VIII of Page 8 herein), if any, appear next on the ballot in the order determined by a second drawing conducted by the State Board of Elections. Independent (non-party) candidates are listed in alphabetical order after the aforementioned political party candidates.

XII. THE SUCCESSFUL CANDIDATE

The successful candidate must file as a condition to assuming office, after the election and before taking office, with the Clerk of the House of Delegates, a **second** Statement of Economic Interests as required by §§ 30-110 and 30-111 of the *Code of Virginia.* Forms are prescribed by, and available from the Clerk of the House of Delegates, PO Box 406, Richmond 23218.

XIII. 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/her 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 qualified voter of the House District in which the candidate is seeking election.

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/her 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.

XIII. FREQUENTLY ASKED QUESTIONS (continued)

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

Generally, **NO** since the election is partisan.

Employees of the federal government are prohibited from being candidates in partisan elections by the federal law commonly known as the Hatch Act. Most employees of the legislative branch of the federal government are exempt from the Hatch Act. However, they may be affected by other rules and regulations.

Neither a federal government employee nor a person holding any office or post of profit or emolument under the United States government may hold this office. If any person so employed or holding an office of profit or emolument is elected, he would have to resign from the federal government before taking office.

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.**

Further, if you are a salaried officer of the Commonwealth of Virginia, you must resign from the position you hold prior to taking office.

F. What activities are permitted at the polls on election day?

Please refer to the Do's and Don'ts with Guidelines for Campaigners and Authorized Representatives published by the State Board of Elections. We suggest that you 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.

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

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