

# **November 6, 2012 Elections**

## **Candidacy Requirements**

### **For**

## **Local Offices**



## General Disclaimer

The information contained in this candidacy requirements bulletin is provided with the aim of providing an overview of 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.



## 2012 ELECTION CALENDAR

This bulletin applies to local offices elected in November.

ELECTION TYPE	ELECTION DATE	<sup>4</sup> DEADLINES (PERIODS) FOR FILING			LAST DAY TO REGISTER TO VOTE	DEADLINE TO APPLY FOR ABSENTEE BALLOT
		<sup>2</sup> CANDIDATE DECLARATIONS/ PETITIONS	<sup>2</sup> OTHER CANDIDATE FORMS	<sup>3</sup> PARTY CHAIRS CERTIFY CANDIDATES		
<sup>1</sup> Primary	June 12  § 24.2-515	March 12 noon to March 29 5:00 p.m.  § 24.2-522	March 29 5:00 p.m.  § 24.2-503	April 3 5:00 p.m.  § 24.2-527	May 21  § 24.2-416	By Mail: June 5 In Person: June 9  §§ 24.2-701B (1) & 24.2-701B (2)

PARTY NOMINATIONS, OTHER THAN BY PRIMARY ELECTION, MAY BE MADE NO EARLIER THAN APRIL 26 AND MUST BE COMPLETED BY 7:00 P.M., JUNE 12.

<sup>2</sup> General	November 6  § 24.2-101	NON-PARTY CANDIDATES	ALL CANDIDATES	June 18 5:00 p.m. § 24.2-511B	October 15  § 24.2-416	By Mail: October 30 In Person: November 3 §§ 24.2-701B (1) & 24.2-701B (2)
		June 12 7:00 p.m. §24.2-507	June 12 7:00 p.m. § 24.2-503			

<sup>1</sup>Notification 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 8, 2012** nor later than **February 28, 2012**. (§ 24.2-516)

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.

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.

<sup>2</sup>See 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 free of charge: <http://www.sbe.virginia.gov>

<sup>3</sup>Forms for use in certification will be emailed to Party Chairs by State Board of Elections.

<sup>4</sup>Candidates for special elections held on November 6, 2012 to fill vacancies in local offices which occurred on or after August 11, 2011 and prior to November 8, 2011 candidates must file all required forms **no later than 7:00 p.m. on June 12, 2012**. For such vacancies occurring on or after November 8, 2011 and prior to August 8, 2012 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 17, 2012** (§§ 24.2-226, 24.2-507 and 24.2-510). Political Party Chairs must **certify** nominees to the State Board and local Electoral Board by no later than **5:00 p.m., August 17, 2012** [§ 24.2-511C].

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. (§ 24.2-603)



# INTRODUCTION

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

[http://www.virginia.gov/cms/Cidate\\_Information/Index.html](http://www.virginia.gov/cms/Cidate_Information/Index.html)

Should you have questions relating to your candidacy, please do not hesitate to call our toll-free line (800)-552-9745. Within the Call Menu, press 2 for Campaign Finance and Ballot Access assistance. 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. **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.

B. **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,

C. **County School Board or City 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 or City 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. The endorsement of a non-party candidate by a political party is permitted.

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

These offices are elected by the voters only if it is specified in the Town Charter. 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.

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 or Town 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] Please note that some homeowner associations may prohibit the placement of political signs in yards.

#### C. **Violations**

If you believe that either any local ordinance or any election law has been violated and you have facts concerning the violation, you should report them in writing to the Commonwealth's Attorney for 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. 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.

#### 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](http://www.sbe.virginia.gov/cms/Cidate_Information/Cidate_Forms.html)

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

Most candidates for local office must comply with the provisions of the Campaign Finance Disclosure Act. For a list of the offices not covered by the Act, please refer to Chapter 1, Section 1.4 – **Elections Not Covered** in the *Candidate Campaign Committee Summary* published by the State Board of Elections. The *Summary* is posted on the State Board's website:

[http://www.sbe.virginia.gov/cms/Campaign\\_Finance\\_Disclosure/Index.html](http://www.sbe.virginia.gov/cms/Campaign_Finance_Disclosure/Index.html)

The Statement 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 the candidate to provide his/her full name, home mailing address, email address and daytime phone number. The Treasurer, if applicable, must also provide his/her name, home mailing address, email address and daytime phone number.

A candidate must file a Statement of Organization and register as a candidate for campaign finance purposes within 10 days of meeting any of the requirements listed below.

- Acceptance of a contribution;
- Expenditure of any funds;
- The payment of a filing fee for any party nomination method;
- The filing of a candidate statement of qualification pursuant to § 24.2-501; or
- The appointment of a campaign treasurer, designation of a campaign committee, or designation of a campaign depository.

## V. DOCUMENTS REQUIRED TO BE FILED (continued)

### 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.

### 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 V. D.2 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, 2012. See Item V. D.2 on the next page for number of signatures required on petitions.

#### 1. Petition Circulator

A candidate's petition may be circulated by any person who is a legal Virginia resident and not a minor or a felon whose voting rights have not been restored (**REV 5/8/12**; [VA Acts of Assembly, Chapter 166](#)).

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 **NEVER** can leave the petition unattended, e.g., left on the counter at a grocery store, restaurant, etc.

## V. DOCUMENTS REQUIRED TO BE FILED (continued)

### D. **Petition of Qualified Voters** (continued)

#### 2. **Number of Signatures Required**

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

### **EXCEPTIONS**

#### **Richmond and Suffolk Cities – Office of Mayor**

Petitions must contain the signatures of at least **500** qualified voters of the City, including at least 50 from each district or borough, as appropriate. Contact your General Registrar to obtain specific information.

#### **Board of Supervisors or School Board**

##### **– District has 1,000 or fewer registered voters as of January 1, 2012**

If a board of supervisor or school board election district has 1,000 or fewer registered voters as of January 1, 2012, 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, 2012**

If a town has **more than 1,500 registered voters as of January 1, 2012**, 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, 2012**

NO petition is required.

#### 2. **Number of Signatures Required** (continued)

Call your general registrar to confirm which signature requirement applies to you.

The State Board recommends that a candidate get at least 1 ½ times the number of signatures required to assure that enough signers are qualified voters. (For example: SBE recommends candidates for city council with a 125 signature requirement gather at least 200 signatures.)

## V. DOCUMENTS REQUIRED TO BE FILED (continued)

### D. **Petition of Qualified Voters** (continued)

#### **3. The Impact of Redistricting on the Petition Gathering Process** REV 1/31/12

The information discussed in this section only applies to candidates for City Council and School Board elected by District\Ward\Borough in the cities of Emporia, Hopewell, Petersburg, Richmond, Suffolk and Winchester.

Section 24.2-311(B) requires that this November's election must be conducted based on the new districts\wards adopted by the governing body to accomplish the decennial redistricting. Further, Sections 24.2-506 and 24.2-522 both permit circulation of petitions after January 1, 2012 and require that the candidate for a district\ward\borough office must obtain a certain number of signatures of registered district\ward\borough voters.

The new district boundaries will be adopted by the City Council in late 2011 or early 2012. After adoption, each city except for Winchester will submit its redistricting plan to the U. S. Department of Justice for preclearance. The City of Winchester successfully bailed-out from preclearance requirement of the 1965 Voting Rights Act.

Candidates can choose to wait to gather signatures after the local district lines have been adopted or circulate before adoption. If the petition is circulated pre-adoption, the signatures gathered may turn out to be invalid post-adoption (e.g. voters who signed or the petition circulator is moved out of the district\ward\borough by the redistricting process). All petitions filed with the general registrar pre-adoption will be held and checked against the post-implementation voter rolls. Please check with your local general registrar's office for a more specific implementation schedule.

## V. DOCUMENTS REQUIRED TO BE FILED (continued)

### D. **Petition of Qualified Voters** (continued)

#### 4. **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:** State Board is in the process of formally revising its Material Omissions Regulation to reflect the new petition circulator standard. In the interim, the regulation's proposed new language is included below 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;

## V. DOCUMENTS REQUIRED TO BE FILED (continued)

### D. Petition of Qualified Voters (continued)

#### 4. Regulation on Material Omissions on Candidate Petitions (continued)

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.

#### 5. 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: Neither the general registrars nor SBE have authority to accept additional petitions after the applicable candidate filing deadline.

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, general registrars have 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, utilize eligible circulators, and otherwise follow the procedures laid out in the law. A candidate that files the Certificate of Candidate Qualification with his/her general registrar may purchase from the State Board of Elections a list of registered voters for their election district. Purchasing the list may aide in petition signature proficiency.

## V. DOCUMENTS REQUIRED TO BE FILED (continued)

### D. **Petition of Qualified Voters** (continued)

#### 5. **Frequently Asked Questions Regarding Petitions** (continued)

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

Answer: Yes. Sections 24.2-506 and 24.2-521 require 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 SBE's 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.

### 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.

If questions arise about how to complete the Statement, please contact the Secretary of the Commonwealth's Conflict of Interest Director, at (804) 786-2441.

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 2012.

## VI. 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 minimum 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.

VII. FILING DEADLINES AND WHERE TO FILE

**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.

<b>PRIMARY FILING FEE</b>	<b>WHERE TO FILE</b>	<b>FILING DEADLINE</b>
Filing Fee equal to 2% of the annual salary for the office sought in effect on January 1, 2012. 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. 3/29/12

<b>REQUIRED FORMS</b>	<b>WHERE TO FILE</b>	<b>FILING DEADLINE</b>
*1. Declaration of Candidacy *2. Petitions of Qualified Voters 3. Receipt for Payment of Primary Filing Fee	Chair of the Political Party Committee of the county or city, as appropriate.	No earlier than Noon on 3/12/12 and no later than 5:00 p.m. on 3/29/12
*4. Certificate of Candidate Qualification *5. Statement of Economic Interests	General Registrar of the candidate's county** or city of residence	5:00 p.m. 3/29/12
*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	

**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 3 through 9 herein for details.  
 \*\* 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).  
 \*\*\* 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. FILING DEADLINE AND WHERE TO FILE

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

*For A General Election  
and  
For Special Elections to fill vacancies  
occurring after August 11, 2011 and prior to November 8, 2011*

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. 6/12/12
*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	

NOTE: Historically, candidates in town elections file as Independents. Partisan elections are permitted unless prohibited by the Town Charter.

**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 3 through 9 herein for details.

\*\* 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).

\*\*\* 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

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

***For Special Elections to fill vacancies  
occurring on or after November 8, 2011 and before August 8, 2012***

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 *2. Statement of Economic Interests	General Registrar of the candidate's county** or city of residence	5:00 p.m. 8/17/12
*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	

NOTE: Historically, candidates in town elections file as Independents. Partisan elections are permitted unless prohibited by the Town Charter.

**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 through 9 herein for details.  
 \*\* 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).  
 \*\*\* 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

**For An Independent (Non-Party) Candidate**

***For A General Election***  
and  
***For Special Elections to fill vacancies***  
***occurring after August 11, 2011 and prior to November 8, 2011***

*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 candidate's county** or city of residence	7:00 p.m. 6/12/12
*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	

**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 3 through 9 herein for details.

\*\* 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).

\*\*\* 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

### For An Independent (Non-Party) Candidate

***For Special Elections to fill vacancies  
occurring on or after November 8, 2011 and before August 8, 2012***

*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. 8/17/12
*2. Petitions of Qualified Voters		
*3. Certificate of Candidate Qualification		
*4. Statement of Economic Interests		
*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	

**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 through 9 herein for details.

\*\* 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).

\*\*\* 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.

## XII. 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.

## XIII. OTHER REQUIRED REPORTS

**All** candidates for Arlington County Board\School Board, city offices, town offices in the Town of Leesburg and any town whose governing body adopted an ordinance requiring candidates to comply with the provisions of the Campaign Finance Disclosure Act 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](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.

## XIV. 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 12, 2012, nor later than 5:00 p.m. on March 29, 2012. 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.

## XV. RUNOFF ELECTION – RICHMOND CITY MAYOR ONLY

If **no person** receives the most votes **in each of at least 5 of the 9 city council districts** then a runoff election is required. This election must be held on the sixth Tuesday after the November general election. The 2 persons receiving the highest total of votes city wide will be considered nominated for the **runoff election**.

The person in the runoff election who receives the most votes **in each of at least 5 of the 9 city council districts** will be elected mayor. If both candidates in the runoff election win an equal number of council districts, the candidate receiving the most votes city wide will be elected mayor.

## 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. If the Clerk is unable to provide a copy, the form can be obtained from our website in our candidate forms section.

[http://www.sbe.virginia.gov/cms/Cidate\\_Information/Cidate\\_Forms.html](http://www.sbe.virginia.gov/cms/Cidate_Information/Cidate_Forms.html)

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.

## XVI. THE SUCCESSFUL CANDIDATE (continued)

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? **REV 5/8/12**

A candidate's petitions may be circulated by any person who is a legal Virginia resident and not a minor or a felon whose voting rights have not been restored (**REV 5/8/12**; [VA Acts of Assembly, Chapter 166](#)).

**Special Note:** State Board will revise its Material Omissions Regulation to reflect the new petition circulator standard. In the interim, the regulation's proposed new language is found on pages 7 and 8.

The circulator 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.

## XVII. FREQUENTLY ASKED QUESTIONS (continued)

### 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.

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 Hatch Act Unit, **U.S. Office of the Special Counsel**, 1730 M Street NW, Suite 218, Washington, D. C. 20036-4505 or call them at 800-854-2824 or 202-254-3650. That office will determine if you are affected by the Hatch Act. Their web address is <http://www.osc.gov>

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.

## XVII. FREQUENTLY ASKED QUESTIONS (continued)

### I. 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](http://www.sbe.virginia.gov/cms/Cidate_Information/Cidate_Bulletins_Forms.html)

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