

**November 6, 2012 Election**

**Candidacy Requirements**

**For**

**U. S. Senate**



## 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 for United States Senate

ELECTION TYPE	ELECTION DATE	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. (§ 24.2-510)						
<sup>2</sup> General	November 6  § 24.2-101	NON-PARTY CANDIDATES  June 12 7:00 p.m. § 24.2-507	ALL CANDIDATES  June 12 7:00 p.m. § 24.2-503	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)
<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)  <sup>2</sup> See the following pages for specifics as to forms required and where to be filed. The bulletin and forms are available on our web site: <a href="http://www.sbe.virginia.gov">http://www.sbe.virginia.gov</a>  <sup>3</sup> Forms for use in certification will be emailed to Party Chairs by State Board of Elections.						
<b>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.</b>						



# INTRODUCTION

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

[http://www.sbe.virginia.gov/cms/Cidate\\_Information/Cidate\\_Forms.html](http://www.sbe.virginia.gov/cms/Cidate_Information/Cidate_Forms.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. REQUIREMENTS OF THE FEDERAL ELECTION CAMPAIGN ACT

### IMPORTANT

The Federal Election Commission is responsible for Federal campaign disclosure laws. Federal law requires candidates to register and disclose campaign receipts and expenditures and to abide by certain contribution limits and prohibitions.

Please contact the Federal Election Commission, 999 E Street, NW, Washington, D.C. 20463, 800-424-9530, or on the web at <http://www.fec.gov> for more information.

## II. SAMPLE BALLOTS

Any **sample** of a paper or voting equipment **ballot** must contain the words **SAMPLE BALLOT** and the appropriate authorization notice (the campaign should contact the Federal Election Commission for information regarding the appropriate authorization statement) 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)**.

## III. POSTING CAMPAIGN SIGNS AND OTHER MATERIALS

Contact the local government administrator of the county or of the city in which you wish to post signs or other campaign materials 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.

## IV. VIOLATIONS

If you believe that either local ordinances or any election law has been violated and you have facts concerning the violation, you should report those facts 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.

## V. QUALIFICATIONS TO BE A CANDIDATE

- ◆ At least thirty years of age by the time of taking office;
- ◆ A citizen of the United States for at least nine years; and
- ◆ An inhabitant of the State he seeks to represent.

## VI. DOCUMENTS REQUIRED TO BE FILED

### A. Certificate of Candidate Qualification

This document is prepared and distributed by the State Board of Elections. It must be filed by **all** candidates for this election.

### B. 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. The Declaration must be filed **at the same time** as the petitions.

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

### C. 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, including at least 400 from each of Virginia's 11 congressional districts, must be filed **together with** the *Declaration of Candidacy*. Petitions must be filed by all primary and independent (non-party) candidates. Petitions **cannot** be circulated until **after** January 1, 2012.

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

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

#### 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 the signatures. Falsely taking this affidavit is a felony under Virginia law. The petition **NEVER** can be left 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 10,000 qualified voters of the Commonwealth including at least 400 from each of Virginia's 11 congressional districts.

The State Board recommends that 15,000 - 20,000 signatures be obtained with at least 700 signatures from each congressional district to assure that enough signers are qualified voters.

#### 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 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;

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

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

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.

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

### 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, 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. A candidate that files the Certificate of Candidate Qualification with the State Board of Elections may purchase from State Board a statewide list of registered voters. Purchasing the list may aid in petition signature proficiency.

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.

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

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

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.

## 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. The salary for this office is:

$$\$174,000 \times .02 = \$3,480 \text{ primary filing fee}$$

**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 the State party headquarters for details.

VIII. STATEMENT OF NUMBER OF PETITION SIGNATURES

STATEMENT OF PETITION SIGNATURES  
FOR

U. S. Senate

June 12, 2012 (enter Democratic or Republican) Primary

I, (enter name), do hereby swear (or affirm) that the petitions I am filing as a primary election candidate contain the following number of signatures:

(Enter number)

which include at least 400 from each of Virginia's 11 congressional districts.

(Signature of filer)

Subscribed and sworn to before me this (enter date) day of (enter month), 2012.

(Signature of Notary)

My term expires: (enter date)

IX. FILING DEADLINES AND WHERE TO FILE

**For A Primary Candidate**

*Items 1, 2, 3 and 4 must be received* by the *State Board of Elections* by the filing deadline. Postmarks are acceptable **only** for *Item 5* and **only** if the form is mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the State Board of Elections.

<b>PRIMARY FILING FEE</b>	<b>WHERE TO FILE</b>	<b>FILING DEADLINE</b>
Filing Fee in the amount of \$3,480. [2% of \$174,000]	State Board of Elections 1100 Bank St., 1 <sup>st</sup> Floor Richmond, VA 23219	5:00 p.m. 3/29/2012

<b>REQUIRED FORMS</b>	<b>WHERE TO FILE</b>	<b>FILING DEADLINE</b>
*1. Declaration of Candidacy	State Board of Elections 1100 Bank St., 1 <sup>st</sup> Floor Richmond, VA 23219	No earlier than Noon, 3/12/2012 and no later than 5:00 p.m. on 3/29/2012
*2. Petitions of Qualified Voters		
*3. Receipt for Payment of Primary Filing Fee		
4. Statement of Number of Petition Signatures		
*5. Certificate of Candidate Qualification		

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 2 through 6 herein for details.

## X. FILING DEADLINE AND WHERE TO FILE

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

A postmark is acceptable **only** if the form is 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 FORM	WHERE TO FILE	FILING DEADLINE
*1. Certificate of Candidate Qualification	State Board of Elections 1100 Bank St., 1 <sup>st</sup> Floor Richmond, VA 23219	7:00 p.m. 6/12/2012

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

\* Refer to Pages 2 through 6 herein for details.

## XI. FILING DEADLINE AND WHERE TO FILE

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

*Items 1 and 2* listed below **must be received** by the *State Board of Elections* by the filing deadline. Postmarks are acceptable **only** for *Item 3* and **only** if it is 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	State Board of Elections	7:00 p.m.
*2. Petitions of Qualified Voters	1100 Bank St., 1 <sup>st</sup> Floor	6/12/2012
*3. Certificate of Candidate Qualification	Richmond, VA 23219	

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

\* Refer to Pages 2 through 6 herein for details.

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

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 Monday, June 18, 2012.**

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 December 12, 2011);
  - 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 November 6, 2012 ballot for the U.S. Senate for which he filed as an Independent candidate.
5. A letter signed by the nominee accepting the party's nomination.

### **NOTE:**

The State Board of Elections recommends that the Independent candidate 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 November 6 ballot to assure that deadline for providing this information is met.

### 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 State Board of Elections. It must accompany the declaration of candidacy and petitions filed with this Board.

The written request **does not guarantee** timely response. Certain factors may affect the Board's ability to follow through, that is, the number of filings, etc. It is suggested that documents be filed **at least twenty [20] working days before the filing deadline** if this notice is requested.

### XIV. PUBLIC FINANCIAL DISCLOSURE REPORT      REV 5/8/12

The Federal Ethics in Government Act of 1978 requires any individual who is a candidate for United States Senate to file a Public Financial Disclosure Report with the Secretary of the Senate, Office of Public Records, Hart Building, Suite 232, Washington, D. C. 20510 (5 USC app. §§ 101-111). Please contact the Senate Select Committee on Ethics for more information: 220 Hart Senate Office Building, Washington D. C. 20510 [<http://ethics.senate.gov/public/>].

### 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 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 State Board of Elections.

#### ◆ In **General 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 XIII on Page 11 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 appear in alphabetical order after the aforementioned political party candidates.

## XVI. FREQUENTLY ASKED QUESTIONS

### 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 3 and 4.

The circulator must affirm before a notary or other person authorized to administer oaths, that he **personally witnessed** the affixing of the signatures. 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 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 answer, under oath, that he **personally witnessed** the affixing of the signatures 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.

### D. I work for the federal government; can I be a candidate?

**Generally NO**, because the election is usually a partisan one.

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 are not covered by the Hatch Act. However, but they may be affected by other rules and regulations. Consult the office of the Special Counsel if in doubt [see Item E on the next page].

## XVI. FREQUENTLY ASKED QUESTIONS (continued)

- 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 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 of the agency or ordinances of the government for which you work. **Contact your personnel officer.**

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