

Candidacy Requirements

For

Town Council Town of Chilhowie

County of Smyth April 2, 2013 Special Election



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.





INTRODUCTION

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

<http://www.sbe.virginia.gov/>

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 ballot access assistance. You also can reach us at 804-864-8901 or via email at info@sbe.virginia.gov.





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I. ADVERTISING AND CAMPAIGN MATERIALS

The governing body of any town with a population of less than 25,000 may provide, by ordinance, that the provisions of the Campaign Finance Disclosure Act (CFDA) shall be applicable to elections for town offices. The Town of Chilhowie has not adopted such an ordinance. Therefore, candidates are not required to report campaign finance activity or comply with “Stand by your Ad” Chapter 9.5 of the Code of Virginia.

II. 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 Town of Chilhowie.

III. 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.

A. **Certificate of Candidate Qualification**

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

B. **Declaration of Candidacy**

This document is prepared and distributed by the State Board of Elections. It must be filed by all Independent (non-party) candidates.

IV. FILING DEADLINE AND WHERE TO FILE

For a Convention/Mass Meeting Candidate

Postmarks are acceptable **only** if this document is 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 Smyth County	5:00 p.m. 2/1/13

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 Page 1 herein for details.

V. FILING DEADLINE AND WHERE TO FILE

For an Independent (Non-Party) Candidate

Item 1 listed below **must be received** by the *General Registrar* by the filing deadline. A postmark is acceptable **only** for *Item 2* and **only** if the document is 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 Smyth County	5:00 p.m. 2/1/13
*2. Certificate of Candidate Qualification		

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 Page 1 herein for details.

VI. 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. Non-partisan or independent candidates appear in alphabetical order following the candidates of political parties.

VII. 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. 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.

B. 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**.

VII. FREQUENTLY ASKED QUESTIONS (**continued**)

- C. 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.

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

Please refer to the Do's and Don'ts 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/Files/Cast%20Your%20Ballot/VotingInPerson/Dos%20and%20Don't%20For%20Campaigners%20and%20Authorized%20Representatives.pdf>