

November 5, 2013 Election

Candidacy Requirements

For

Statewide Office



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.



2013 ELECTION CALENDAR

GOVERNOR, LIEUTENANT GOVERNOR AND ATTORNEY GENERAL

ELECTION TYPE	ELECTION DATE	DEADLINES (PERIODS) FOR FILING			LAST DAY TO REGISTER TO VOTE	DEADLINE TO APPLY FOR ABSENTEE BALLOT
		² CANDIDATE DECLARATIONS/PETITIONS	² OTHER CANDIDATE FORMS	³ PARTY CHAIRS CERTIFY CANDIDATES		
¹ Primary	June 11 § 24.2-515	March 11 noon to March 28 5:00 p.m. § 24.2-522	March 28 5:00 p.m. § 24.2-503	April 2 5:00 p.m. § 24.2-527	May 20 § 24.2-416	By Mail: June 4 In Person: June 8 §§ 24.2-701B (1) & 24.2-701B (2)
PARTY NOMINATIONS, OTHER THAN BY PRIMARY ELECTION, MAY BE MADE NO EARLIER THAN APRIL 25 AND MUST BE COMPLETED BY 7:00 P.M., JUNE 11. § 24.2-510						
² General	November 5 § 24.2-101	NON-PARTY CANDIDATES June 11 7:00 p.m. § 24.2-507	ALL CANDIDATES June 11 7:00 p.m. § 24.2-503	June 17 5:00 p.m. § 24.2-511B	⁴ October 15 § 24.2-416	By Mail: October 29 In Person: November 2 §§ 24.2-701B (1) & 24.2-701B (2)

¹Notification 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 6, 2013 nor later than February 26, 2013. (§ 24.2-516)

²See Candidate Bulletin for the office sought for specifics as to forms required and where they are filed. The bulletins and forms are available on our website:

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

OR

for a \$10.00 prepaid fee, from the State Board of Elections. Make checks payable to: State Board of Elections.

VOICE: In the Richmond area, 864-8901 - From all other areas: 804-864-8901 - Toll-free: 800-552-9745 - TTY: Toll-free 800-260-3466

³Forms for use in certification of nominees will be emailed to the state party chair.

⁴Monday, October 14th is a legal holiday (Columbus Day). Therefore, the last day to register to vote is the next business day (Tuesday, October 15, 2013).

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.sbe.virginia.gov/BecomeACandidate.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 or via email at info@sbe.virginia.gov.





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I. STATEWIDE OFFICES

This bulletin applies to the offices of Governor, Lieutenant Governor and Attorney General. These officers serve all residents in the Commonwealth of Virginia.

II. ADVERTISING AND CAMPAIGN MATERIAL

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.

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 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 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.

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 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.

III. QUALIFICATIONS TO BE A CANDIDATE

A candidate must be:

- Qualified to vote for and hold the office sought;
- At least thirty years of age on or before the date of the election for the office sought;
- If a candidate for Governor or Lieutenant Governor, a resident and registered voter of the Commonwealth for five years immediately preceding the election; or
- If a candidate for Attorney General, a resident of the Commonwealth for the year immediately preceding the election and admitted to the bar of the Commonwealth at least five years prior to the election.

IV. DISQUALIFICATION – CFDA REPORTS NOT FILED FOR A PRIOR CAMPAIGN

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/CandidateForms.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.

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.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

A. **Statement of Organization for a CANDIDATE** (continued)

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.

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. In accordance with SBE Policy [2010-003](#), the certificate of candidate qualification may not be filed with the State Board of Elections until after January 1, 2013.

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 the state chair of your party 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, 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, 2013.

1. **Petition Circulator**

Petitions can be circulated by any person who is a legal resident of the United States of America. Circulators may not be minors or felons whose voting rights have not been restored.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

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

1. **Petition Circulator** (continued)

Special Note: The U.S. District Court's ruling in Libertarian Party of Virginia v. Judd et al. enjoins the State Board of Elections from enforcing §§ 24.2-506 and 24.2-521. This ruling is under appeal to the Fourth Circuit Court of Appeals. The outcome of the appeal might strike or uphold the out of state petition circulator permission. The appeal is scheduled to be heard in the Spring of 2013.

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.

2. **Number of Signatures Required**

Petitions must contain the signatures of at least **10,000** qualified voters of the Commonwealth.

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.

3. **How Petitions Should Be Submitted**

For a statewide office, it is suggested that petitions be filed in county/city order to facilitate the processing of the filing. A line also is provided for the **optional** entry of the congressional district number for the candidate's use in tracking the requirement that at least **400** signatures be obtained from each congressional district.

Petitions for a primary election must be delivered in **sealed boxes**. A statement, **signed by the candidate under oath**, setting forth his name and the number of signatures on the petitions in the sealed boxes must be attached to the first box. [See **Item VI** herein] These boxes may be opened only by the state chair of the candidate's party and will be delivered to that chair by the State Board of Elections.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

4. Regulation on Material Omissions on Candidate Petitions

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. The regulation has been included below for your convenience.

Special Note: The U.S. District Court's ruling permitting out of state petition circulators makes B 6(i) of the regulation unenforceable.

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

- A. Pursuant to the requirements of § 24.2-506, 24.2-521, and 24.2-543 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, 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 petition fails to identify the office sought on the front of the form;
 - 4. The petition fails to identify the applicable election district in which the candidate is running for office;
 - 5. The circulator has not signed the petition affidavit and provided his current address;
 - 6. 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;
 - 7. The circulator has not signed the petition he circulated in the presence of a notary;
 - 8. The circulator has not had a notary sign the affidavit for each petition submitted;
 - 9. The notary has not affixed a photographically reproducible seal;
 - 10. The notary has not included his registration number and commission expiration date; or
 - 11. Any combination of the scenarios of this subsection exists.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

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

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

- C. If the circulator signs the petition in the "Signature of Registered Voter," his signature shall be invalidated but the petition shall be valid notwithstanding any other error or omission.
- D. The following omissions shall be treated as nonmaterial provided that the omitted information can be independently verified:
1. An older version of the petition is used (provided that the information presented complies with current laws, regulations, and guidelines);
 2. 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;
 3. The name of the candidate and office sought are omitted from the back of the petition; or
 4. The circulator has not provided the last four digits of his social security number in the affidavit.

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.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

5. Frequently Asked Questions Regarding Petitions (continued)

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

Answer: **The candidate** is ultimately responsible for ensuring that he or she gathers the requisite number of signatures of qualified voters, utilizes eligible circulators, and otherwise follows the procedures laid out in the law. A candidate that files the Certificate of Candidate Qualification with the State Board of Elections may purchase 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.

5. Must I provide my driver's license number and state of issuance when completing the petition affidavit?

Answer: **No.** The information is not required and does not invalidate the petition if left blank.

6. 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.

V. DOCUMENTS REQUIRED TO BE FILED (continued)

E. Statement of Economic Interests

This document is prepared by, and available from, the Secretary of the Commonwealth's website:

<http://www.commonwealth.virginia.gov/Forms/index.cfm>

or at the State Board of Elections' website:

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

It is required to be filed by all candidates for statewide office. In accordance with SBE Policy [2010-003](#), the statement of economic interests may not be filed with the Secretary of the Commonwealth until after January 1, 2013.

Exception – Candidates for re-election to the same office need not re-file this form if they met the requirements for filing in January 2013 as officeholders.

Questions concerning the Statement of Economic Interest should be directed to the Secretary of the Commonwealth's office at (804) 786-2441.

VI. STATEMENT OF NUMBER OF PETITION SIGNATURES –
PRIMARY CANDIDATE ONLY

A suggested format is provided below:

<p>STATEMENT OF PETITION SIGNATURES FOR Statewide Office June 11, 2013 (enter Democratic or Republican) Primary</p>	
<p>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:</p>	
<p>(Enter number)</p>	
<p>which include at least 400 from each of Virginia's 11 congressional districts.</p>	
<p>(Signature of filer)</p>	
<p>City/County of _____ Commonwealth of Virginia</p>	
<p>The foregoing instrument was acknowledged before me this _____ day of _____, 20 _____ by _____ (Name of candidate)</p>	
<p>Notary Public's signature _____</p>	<p>Notary Seal</p>
<p>Notary registration number: _____</p>	
<p>My commission expires: _____</p>	

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 and as shown in the Appropriations Act adopted by the General Assembly.

Governor	\$3,500.00	[2% of \$175,000]
Lieutenant Governor	\$ 726.42	[2% of \$ 36,321]
Attorney General	\$3,000.00	[2% of \$150,000]

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. 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 6 and 7* 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.

PRIMARY FILING FEE	WHERE TO FILE	FILING DEADLINE
Filing Fee in the amount of: \$3,500.00 for Governor \$ 726.42 for Lt. Governor \$3,000.00 for Attorney General	State Board of Elections 1100 Bank Street, 1 st Floor Richmond, VA 23219 (800) 552-9745 or direct (804) 864-8901	5:00 p.m. 3/28/2013
REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy	State Board of Elections	No earlier than
*2. Petitions of Qualified Voters		Noon, 3/11/2013
*3. Receipt for Payment of Primary Filing Fee		and no later than 5:00 p.m.,
4. Statement of Number of Petition Signatures		on 3/28/2013
*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	
*6. Certificate of Candidate Qualification		
*7. Statement of Economic Interests	Secretary of the Commonwealth PO Box 2454 Richmond, VA 23218 (804) 786-2441	5:00 p.m. 3/28/2013

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 8 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.

IX. 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 FORM	WHERE TO FILE	FILING DEADLINE
*1. Certificate of Candidate Qualification	State Board of Elections 1100 Bank Street, 1 st Floor Richmond, VA 23219 (800) 552-9745 or direct (804) 864-8901	7:00 p.m. 6/11/2013
*2. 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	
*3. Statement of Economic Interests	Secretary of the Commonwealth PO Box 2454 Richmond, VA 23218 (804) 786-2441	7:00 p.m. 6/11/2013

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 8 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.

X. 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 *Items 4 and 5* 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 Street, 1 st Floor	6/11/2013
*3. Certificate of Candidate Qualification	Richmond, VA 23219 (800) 552-9745 or direct (804) 864-8901	
*4. 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	
*5. Statement of Economic Interests	Secretary of the Commonwealth PO Box 2454 Richmond, VA 23218 (804) 786-2441	7:00 p.m. 6/11/2013

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 8 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.

XI. 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 17, 2013.**

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 11, 2012);
 - 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 5, 2013 ballot for the statewide office 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 5th ballot to assure that deadline for providing this information is met.

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

XIII. OTHER REQUIRED REPORTS

All candidates for any statewide office must file *pre-election* and *post-election* Reports of Campaign Contributions and Expenditures electronically. These reports are filed **only** with the State Board of Elections. See Candidate Reporting Schedule for dates reports are due.

The State Board of Elections will canvass the November 5 election on Monday, November 25, 2013. A certificate of election will be prepared by the Board on that day. This certificate cannot be issued to any person elected until all required reports are filed. Any successful candidate may file the post-election report no earlier than December 5, 2013.

No certificate of election can be issued to any successful candidate who fails to file the required reports.

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 11, 2013, nor later than 5:00 p.m. on March 28, 2013. 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 XI on Page 12 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.

XV. THE SUCCESSFUL CANDIDATE

Any successful candidate must file, as a condition to assuming office, with the Secretary of the Commonwealth, a **second** Statement of Economic Interests as required by §§ 2.2-3114 and 2.2-3117 of the *Code of Virginia* **prior to taking office**, and annually thereafter by January 15 of each year. Forms are prescribed by, and available from, the Secretary of the Commonwealth. It is also available in the candidate forms section of the State Board's website (<http://www.sbe.virginia.gov/CandidateForms.html>).

The successful candidate is required by law to qualify and take the oath of office on or before the date the term of office begins.

XVI. FREQUENTLY ASKED QUESTIONS

A. Who may circulate a candidate's petitions?

A candidate's petitions may be circulated by any person who is a legal resident of the United States of America. Circulators may not be minors or felons whose voting rights have not been restored.

Special Note: The U.S. District Court's ruling in *Libertarian Party of Virginia v. Judd et al.* enjoins the State Board of Elections from enforcing §§ 24.2-506 and 24.2-521. This ruling is under appeal to the Fourth Circuit Court of Appeals. The outcome of the appeal might strike or uphold the out of state petition circulator permission. The appeal is scheduled to be heard in the Spring of 2013.

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 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 each signature on the petition and no person can witness his/her own signature.

XVI. FREQUENTLY ASKED QUESTIONS (continued)

- 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 election.

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 below].

- 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. The Unit can also be reached by phone at 800-854-2824, 202-254-3650 or by email through hatchact@osc.gov. The Unit 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? Rev 9/27/13*

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://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\132\GDoc_SBE_5329_v1.pdf*