

REV 12/2015

May 3, 2016 Elections
Candidacy Requirements
For
City and Town Offices

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General Disclaimer

This candidacy requirements bulletin provides an overview of Virginia electoral requirements. It is not legal advice nor a binding statement of official policy. Applicable laws and regulations are subject to change in content and interpretation. Candidates are responsible for verifying the status and complying with current laws and regulations.

2016 Election Calendar

City or Town Mayor and Council Offices and, if Elected, City or Town School Board, Town Recorder (Clerk), and Town Treasurer

Election Type	Election Date	DEADLINES FOR FILING			Last Day to Register to Vote	Deadline to Apply for Absentee Ballot
		Candidate Declarations/Petitions	Other Candidate Forms	Party Chairs Certify Candidates		
General	May 3 § 24.2-101	Non-Party Candidates March 1 7:00 p.m. § 24.2-507	All Candidates March 1 7:00 p.m. § 24.2-503	March 7 5:00 p.m. § 24.2-511B	April 11 § 24.2-416	In Person: April 30 By Mail: April 26 5:00 p.m. §§ 24.2-701B(1) & (2)
Party nominations, other than by primary election, may be made no earlier than January 14 and must be completed by 7:00 p.m., March 1, 2016. (§ 24.2-510)						
DURING ANY ELECTION, 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://elections.virginia.gov/>

This document provides an example and explanation of each document required for candidacy.

Filing deadlines and the officer with whom the qualifying forms are filed are addressed for each candidate type, i.e., party candidate nominated by method other than a primary and independent (non-party) candidate.

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I. Offices

Listed below are the offices to which this bulletin applies:

A. Mayor

If the City or Town Charter specifies that this officer is elected by the voters, this office will appear on the city or town ballot.

B. Council Members

The number elected is specified in the City or Town Charter. This governing body may be elected either At Large and/or by district. When members are elected At Large, all voters in the city or town vote for the same candidates. If members are elected by district, only voters who reside in the city or town district in which the candidate is running are eligible to vote for that candidate.

C. School Board

This office will appear on the ballot only if the voters of the city or, if the town has a separate school division, the voters of the town have 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 city or town council. The above category explains the manner in which they may be elected.

Candidates for this election are required by law (§ 22.1-57.3(E)) to access the ballot through the petition process provided in Title 24.2, Chapter 5, Article 2 (§ 24.2-505 et. seq.). This means that no candidate for school board may be nominated to the ballot by a political party.

D. Town Recorder (Clerk) or Town Treasurer

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. Please see the *Candidate Campaign Committee Summary* published by the Department of Elections for specific requirements.

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” in not less than 24 point type and the appropriate statement required by the Campaign Finance Disclosure Act. Sample ballots may not be printed on white or yellow paper.

B. Posting

Contact your 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).

Contact the Virginia Department of Transportation for rules regarding the posting of campaign signs on public property.

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 city or county in which the violation happened.

Violations of state-owned right of way restrictions should be reported to your regional Virginia Department of Transportation office.

Violations of the disclosure provisions of Chapter 9.5 of Title 24.2 should be reported to the Department of Elections along with evidence of the purported violation. Anonymous complaints are not accepted by the Department of Elections.

IV. Qualifications to be a Candidate

A candidate must meet each of the following requirements:

- 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 city or town in which he offers for election [or has an application for registration, transfer, or change of address on file in the general registrar’s office]
- If he is seeking a district seat, a resident of the election district to be represented [or has an application for registration, transfer, or change of address on file in the general registrar’s office]

Administrative regulations provide guidance for determining residency, 1 VAC 20-40-20 through 1 VAC 20-40-60.

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://elections.virginia.gov>

A. Certificate of Candidate Qualification

This document is prepared and distributed by the Department of Elections. All candidates on the ballot are required to file this form.

B. Declaration of Candidacy

This document is prepared and distributed by the Department of Elections. It must be filed by independent (non-party) candidates. If petitions are required to be filed, it must be filed at the same time as the 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 city chair to determine if they are required.

C. Petition of Qualified Voters

This document is prepared and distributed by the Department of Elections. If required, petitions containing at least the number of signatures required for the office sought must be filed together with the declaration of candidacy. Petitions must be filed by independent (non-party) candidates.

General election candidates cannot circulate petitions until after January 1, 2016.

1. Petition Circulator

Petitions can be circulated by any person who is a resident of the United States of America, at least 18 years of age and has no felony convictions as to which voting rights have not been restored.

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 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 the number of qualified voters listed below.

- In Cities:
 - For Mayor: 125 signatures of qualified voters of the city the candidate seeks to represent.
 - For city council and city school board: 125 signatures of qualified voters of the election district (at-large or specific district or ward).

Exception - if the city election district contains 1,000 or fewer registered voters, petitions must contain the signatures of at least 50 qualified voters of the district\ward.
- In Towns with 1,500 or fewer registered voters no petition is required.
- In Towns with more than 1,500 registered voters:
 - For at-large seats: 125 signatures of qualified voters of the town
 - For town district seats: **25** signatures of qualified voters of the town district.

Call your general registrar to find out which signature requirement applies to you. If petitions are required, the Department recommends that a candidate get at least 150% of the number of signatures required to assure that enough signers are qualified voters.

3. Regulation on Material Omissions on Candidate Petitions

1VAC20-50-20 of the *Virginia Administrative Code* identifies what does and does not constitute a material omission on a candidate's petition for the purpose of disallowing the petition. Please review the regulation before circulating the Petition of Qualified Voters form.

4. Frequently Asked Questions Regarding Petitions

The following are frequently asked questions received regarding the petition process:

- 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 pages cannot be stapled together and circulated as one petition page.
- 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 deadline.

- Who is responsible for ensuring my petition signers and circulators are eligible to sign and/or circulate my petition?
 - Answer: The candidate. A candidate that files the certificate of candidate qualification with his\her general registrar may purchase from the Department of Elections a list of registered voters for their election district. Purchasing the list may improve petition signature proficiency.

- 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. Candidates should verify that the notary provides their photographically reproducible notary seal\stamp, notary registration number, date notary commission expires and notary signature on each petition page.

- 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.

D. Statement of Economic Interests

This disclosure form is administered by the Virginia Conflict of Interest and Ethics Advisory ("COIA") Council and should be available from the clerk of the governing body or the clerk of the school board. It is required to be filed by all candidates for Mayor, Council or School Board in cities or towns having a population in excess of 3,500. Questions regarding the form should be directed to the COIA Council.

E. Statement of Organization

While the Statement of Organization is not required to qualify for the ballot, it is required to be submitted by anyone who does qualify for the ballot in addition to other candidates seeking elected office who meet certain criteria. The failure to file the Statement of Organization is not cause for disqualification. However, you are subject to penalties imposed by the Campaign Finance Disclosure Act. Please see the *Candidate Campaign Committee Summary* published by the Department of Elections for more information.

VI. Filing Deadlines and Where to File

A. 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 office with which the forms are filed.

Required Forms*	Deadline	Where to file**
Certificate of Candidate Qualification	7:00 p.m. March 1, 2016	General Registrar of the city or county where the candidate resides
Statement of Economic Interest		

* 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.
 ** If the town is located in two counties, forms are filed with the General Registrar of the County in which the greater portion of the town lies (the county responsible for holding the election).

B. For An Independent (Non-Party) Candidate

Items 1 and 2 listed below **must be received** by the *General Registrar* by the filing deadline. Postmarks are acceptable **only** for *Items 3 and 4* and **only** if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

Required Forms*	Deadline	Where to file**
Certificate of Candidate Qualification	7:00 p.m. March 1, 2016	General Registrar of the city or county where the candidate resides
Declaration of Candidacy		
Petitions of Qualified Voters		
Statement of Economic Interest		

* 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.
 ** If the town is located in two counties, forms are filed with the General Registrar of the County in which the greater portion of the town lies (the county responsible for holding the election).

VII. 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(D) of the *Code of Virginia*.

This letter must be addressed to the Secretary of the Electoral Board of the candidate's city or county of residence. It must accompany the declaration of candidacy and petitions filed with the General Registrar.

The written request does not guarantee timely response. Certain factors, such as the number of filings, may affect the electoral board's ability to comply with the request. It is suggested that documents be filed at least ten [10] working days before the filing deadline if this notice is requested.

VIII. Other Required Reports

All candidates for city offices and any town whose governing body adopted an ordinance requiring candidates to comply with the provisions of the Campaign Finance Disclosure Act must file campaign finance reports on a schedule determined at the time they submit their Statement of Organization. These reports are filed directly with the General Registrar of the candidate's city or county of residence unless the candidate opts to file reports electronically. Electronic filings are made to the Department of Elections. For more information, visit our website: <http://elections.virginia.gov>.

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

IX. Order of Names on Ballots

The candidates of political parties appear first on the ballot in the order determined by a drawing conducted by the State Board of Elections. Independent (non-party) 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.

X. Frequently Asked Questions

Listed below are the most commonly asked questions.

- I am a candidate and a Notary. May I notarize the petition pages circulated by other persons?
 - Answer: 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.

- I work for the state or a local government. Can I be a candidate?
 - Answer: Some state and local government employees are prohibited from being candidates. You may also be prohibited if your Agency receives federal funds. Contact the personnel officer where you work or the attorney for your locality. The U.S. Office of Special Counsel provides guidance about the Hatch Act. <https://osc.gov/Pages/HatchAct.aspx>
- I do business with my local government. Am I prohibited from holding office on its governing body due to a conflict of interest?
 - Answer: 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*) may affect your ability to hold the office you intend to seek.
- I am an employee of the school board; can I be a candidate for school board?
 - Answer: Yes, provided no local rules prohibit the candidacy. However, if elected, you must resign the employee position held. An employee of the school board may not serve on that school board.
- Can a political party endorse a candidate for elected school board?
 - Answer: Yes. Endorsements do not constitute nomination by the political party.
- 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 Department 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.

XI. Virginia State and Local Government Conflict of Interests Act (“COIA”)

Effective January 1, 2016, COIA requires General Registrars to notify all candidates of the provisions of Chapter 31 of Title 2.2 of the Code of Virginia, the Virginia State and Local Government Conflict of Interests Act (“COIA”), Va. Code §§ 2.2-3100 through 2.2-3131.

COIA regulates the conduct of Virginia public officials in two basic ways: (1) disclosure requirements for reporting certain types of economic relationships on the Statement of Economic Interests form; and (2) prohibitions against certain conduct or participation in certain transactions. The disclosure requirements applicable to candidates to file the Statement of Economic Interests form are discussed above on pages 7 and 8. Guidance about the completing the disclosure form and COIA’s substantive prohibitions and participation conditions can be obtained from the COIA Council:

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Executive Director
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