



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

# **Candidacy Requirements for the November 7, 2017 General Election**

Member, House of Delegates

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# I General Disclaimer

This Candidate Bulletin provides an overview of Virginia electoral requirements. This document does not purport to provide legal advice or binding statements of official policy. Rather, the Candidate Bulletins describe election laws found in the Code of Virginia. Applicable laws and regulations are subject to change in content and interpretation. Local charters may set different requirements. Candidates are responsible for verifying the status of, and complying with, current laws and regulations.

## 2 Qualifications to be a Candidate

A candidate must meet each of the following requirements:

1. Qualified to vote for and hold the office sought
2. A resident<sup>1</sup> of the Commonwealth for one year immediately preceding the election
3. A resident, by the time of filing, of the city or town in which he offers for election

## 3 Forms

A candidate must file certain documents in order to qualify to appear on the ballot.<sup>2</sup> Each form is described below. An explanation of who is required to file each item is also provided.

### 3.1 Certificate of Candidate Qualification ([SBE-501](#))

Each candidate to appear on a ballot must file this form to certify under oath to the Department of Elections that (s)he meets the qualifications set out in the Code of Virginia.<sup>3</sup> Candidates for **House of Delegates** file this form with the Department of Elections.

### 3.2 Declaration of Candidacy ([SBE-505/520](#))

This form must be filed with the Petition of Qualified Voters.<sup>4</sup> It is a required filing for independent (non-party) candidates and primary election candidates. **Independent candidates** for House of Delegates file this form with their general registrar. **Primary candidates** for House of Delegates file this form with the party chair for the district in which they are running. Party candidates nominated by a non-primary method are not required to submit a declaration unless required by their party to do so.

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<sup>1</sup> For guidance in determining residency see § [24.2-101](#), definition of “residence,” and administrative regulations [1 VAC 20-40-20](#) and [1 VAC 20-40-30](#).

<sup>2</sup> Each document can be downloaded from our website: [elections.virginia.gov](http://elections.virginia.gov).

<sup>3</sup> Va. Code § [24.2-501](#).

<sup>4</sup> Va. Code § [24.2-505](#).

### 3.3 Petition of Qualified Voters ([SBE506/521](#))

This form is prepared and distributed by the Department of Elections in two sizes: legal and letter.<sup>5</sup> Petitions must be filed together with the Declaration of Candidacy. Candidates for special elections may not circulate petitions until after the issuance of the writ or order calling the election.

Signature requirements for petitions filed prior to July 1, 2017:

- A candidate for membership on the governing body or elected school board of any **county or city** must collect at least 125 signatures; or if from an **election district not at large** containing 1,000 or fewer registered voters, 50 signatures.
- A candidate for membership on the governing body or elected school board of any **town which has more than 1,500 registered voters** must collect at least 125 signatures; or if from a **ward or other district not at large**, 25 signatures
- A candidate for membership on the governing body or elected school board of any **town with 1,500 or less registered voters**, no petition shall be required.

Effective July 1, 2017:<sup>6</sup>

- A candidate for membership on the governing body or elected school board of any **county or city** must collect at least 125 signatures; or if from an **election district not at large** containing 1,000 or fewer registered voters, 50 signatures.
- A candidate for membership on the governing body or elected school board of any **town that has more than 3,500 registered voters** must collect at least 125 signatures; or if from a **ward or other district not at large**, 25 signatures.
- A candidate for membership on the governing body or elected school board of any **town that has at least 1,500 but not more than 3,500 registered voters** must collect at least 50 signatures; or if from a **ward or other district not at large**, 25 signatures.
- A candidate for membership on the governing body or elected school board of any **town that has fewer than 1,500 registered voters**, no petition shall be required.

Local charters may specify different requirements. Please review the State Board's regulation regarding material omissions from petitions of qualified voters before circulating the Petition of Qualified Voters form.<sup>7</sup>

Independent (non-party) candidates may, at the time of filing, request notification of any problems with their filing that can be corrected before the filing deadline.<sup>8</sup> This request must be made in writing and addressed to the secretary of the electoral board. The written request does not guarantee timely response. Certain factors, such as the number and timing of filings, may affect the electoral board's ability to comply with the request.

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<sup>5</sup> [Letter](#) and [legal](#).

<sup>6</sup> [HB 2397](#)

<sup>7</sup> [1 VAC 20-50-20](#).

<sup>8</sup> Va. Code § [24.2-505\(D\)](#).

A nonparty candidate has the right to appeal a determination by the electoral board that the candidate's petitions do not contain the minimum number of signatures of qualified voters for the office sought.<sup>9</sup> Candidates have 5 days from the issuance of notice of their disqualification to file their appeal with the determining body.

Appeals are conducted by the determining body in accordance with regulations set forth by the State Board of Elections.<sup>10</sup> Consideration on appeal is "limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of [Title 24.2 of the Code of Virginia and regulations for petitions set forth by the State Board of Elections]. "The candidate bears the burden of proof in establishing that a sufficient number of signatures from qualified voters were timely provided." All appeals are final and not subject to further appeal.

### **3.4 Statement of Economic Interests ([SOEI](#))**

Effective April 26, 2017, House of Delegates candidates are required to file a Statement of Economic Interests (SOEI) with the Department of Elections.<sup>11</sup> The form can be obtained from the Department of Elections website, <http://www.elections.virginia.gov/candidatepac-info/candidate-forms/index.html>.

### **3.5 Party Certification ([SBE-511](#))**

This form is completed and submitted by the party chair. A candidate nominated by a political party is not required to submit a Declaration of Candidacy or Petition of Qualified Voters. Party Certification for House of Delegates candidates should be filed with the Department of Elections.<sup>12</sup>

### **3.6 Statement of Organization ([CFDA-947.1](#))**

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.<sup>13</sup> The failure to file the Statement of Organization is not cause for disqualification but will subject a candidate to penalties imposed by the Campaign Finance Disclosure Act.<sup>14</sup>

## **4 What to File, Where to File, and By When**

### **4.1 For a party candidate participating in a primary held June 13, 2017**

Items 4, 5 and 6 must be received by the appropriate political party chairman by the filing deadline. The Certificate of Candidate Qualification and the Statement of Economic Interests may be considered timely filed if mailed postage prepaid to the appropriate location by registered or certified mail; this receipt must be produced on demand to show the documents were mailed by the deadline.

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<sup>9</sup> Va. Code § [24.2-506\(C\)](#).

<sup>10</sup> [1 VAC 20-50-30](#).

<sup>11</sup> Va. Code § [24.2-502](#).

<sup>12</sup> Va. Code § [24.2-511\(A\)](#).

<sup>13</sup> Va. Code § [24.2-947.1](#).

<sup>14</sup> Va. Code § [24.2-953.1](#).

| Required Forms  | Where to File   | Filing Deadline   |
|---|---|---|
| 1. Certificate of Candidate Qualification ( <a href="#">SBE-501</a> )   | Department of Elections                                       | Thursday, March 30, 2017<br>5:00 p.m.   |
| 2. Statement of Economic Interests ( <a href="#">SOEI</a> )   |   |   |
| 3. Primary Filing Fee   | Treasurer or Director of Finance in the locality of residence |   |
| 4. Declaration of Candidacy ( <a href="#">SBE-505/520</a> )   | Appropriate political party chairman                          | No earlier than Monday, March 13, 2017, 12:00 p.m.<br>No later than Thursday, March 30, 2017, 5:00 p.m. |
| 5. Petitions of Qualified Voters ( <a href="#">SBE-506/521</a> [letter], <a href="#">SBE-506/521</a> [legal]) |   |   |
| 6. Receipt showing payment of primary filing fee  |   |   |

## 4.2 For a party candidate nominated by a method other than a primary

The Certificate of Candidate Qualification and the Statement of Economic Interests may be considered timely filed if mailed postage prepaid to the appropriate location by registered or certified mail; this receipt must be produced on demand to show the documents were mailed by the deadline.

| Required Forms  | Where to File           | Filing Deadline   |
|---|-------------------------|---|
| 1. Certificate of Candidate Qualification ( <a href="#">SBE-501</a> ) | Department of Elections | Tuesday, June 13, 2017,<br>7:00 p.m.  |
| 2. Statement of Economic Interests ( <a href="#">SOEI</a> )           |                         | No earlier than Thursday, March 13, 2017<br>No later than Monday, June 19, 2017 |
| 3. Party Certification ( <a href="#">SBE-511</a> )                    |                         |   |

## 4.3 For an independent (non-party) candidate

Items 2 and 3 listed below must be received by the general registrar by the filing deadline. The Certificate of Candidate Qualification and the Statement of Economic Interests may be considered timely filed if it is mailed postage prepaid to the appropriate location by registered or certified mail; this receipt must be produced on demand to show the documents were mailed by the deadline.

| Required Forms  | Where to File                                  | Filing Deadline                      |
|---|--|--------------------------------------|
| 1. Certificate of Candidate Qualification ( <a href="#">SBE-501</a> )   | Department of Elections                        | Tuesday, June 13, 2017,<br>7:00 p.m. |
| 2. Declaration of Candidacy ( <a href="#">SBE-505/520</a> )   | General registrar in the locality of residence |                                      |
| 3. Petitions of Qualified Voters ( <a href="#">SBE-506/521</a> [letter], <a href="#">SBE-506/521</a> [legal]) |  |                                      |
| 4. Statement of Economic Interests ( <a href="#">SOEI</a> )   | Department of Elections                        |                                      |

## 5 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. The primary filing fee is paid to the treasurer or director of finance in the candidate's locality of residence.

The primary filing fee will be refunded to unopposed and disqualified candidates. The fee will be refunded to a withdrawing candidate only if the candidate's written withdrawal notice is received by the general registrar before the party chairman provides the party's Certification of Qualified Primary Candidates form.

Candidates who are nominated by a political party by a method other than a primary election may be required to pay a filing fee as well. This fee is determined by the rules of the political party. Contact your legislative or senatorial district chairman for details.

## **6 Campaign Finance and Advertising**

Subject to certain exemptions<sup>15</sup>, candidates for House of Delegates in Virginia must file campaign finance reports on a schedule determined at the time they submit their Statement of Organization. These reports are filed electronically with the Department of Elections.<sup>16</sup> The Campaign Finance Disclosure Act also imposes certain requirements relating to identification of campaign advertisements and communications. Please see the Candidate Campaign Committee Summary published by the Department of Elections for specific requirements.<sup>17</sup>

## **7 Virginia State and Local Government Conflict of Interest Act**

Effective January 1, 2016, the Virginia State and Local Government Conflict of Interest Act (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, 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. Please see the COIA Council's website for more information.<sup>18</sup>

## **8 Notice of Withdrawal of Candidates**

A candidate who has qualified to have his name printed on the ballot for an election shall not be deemed to have withdrawn from such election until he has submitted a signed written notice declaring his intent to withdraw from such election and that notice has been received by the general registrar. Such notice shall be provided to the general registrar of the county or city in which he resides. In the case of an election held in more than one county or city, the recipient general registrar shall notify the appropriate general registrars of the candidate's withdrawal.<sup>19</sup>

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<sup>15</sup> See Va. Code §§ [24.2-945](#) and [24.2-948.1](#).

<sup>16</sup> [COMmittee Electronic Tracking](#) (COMET).

<sup>17</sup> [Summary of Laws and Policies for Candidate Campaign Committees](#).

<sup>18</sup> <http://ethics.dls.virginia.gov/>.

<sup>19</sup> [HB1933](#)



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## 9 Election Calendar – November 2017 General Election

| 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           |                               |   |
| Party nominations may be made no earlier than April 27 and must be completed by 7:00 p.m., June 13, 2017 (§ 24.2-510)  |   |   |  |   |                               |   |
| Primary  | Tuesday, June 13, 2017<br><br>§ 24.2-515    | March 13 at 12:00 p.m.<br>to<br>March 30 at 5:00 p.m.<br><br>§ 24.2-522 | March 30 at 5:00 p.m.<br><br>§ 24.2-503                      | April 4 at 5:00 p.m.<br><br>§ 24.2-527    | May 22<br><br>§ 24.2-414, 416 | In Person: June 10<br>By Mail or Online: June 6 at 5:00 p.m.<br><br>§§ 24.2-701(A), (B)(1), (B)(2)        |
| General  | Tuesday, November 7, 2017<br><br>§ 24.2-101 | Non-Party Candidates<br><br>June 13 at 7:00 p.m.<br><br>§ 24.2-507      | All Candidates<br><br>June 13 at 7:00 p.m.<br><br>§ 24.2-503 | June 19 at 5:00 p.m.<br><br>§ 24.2-511(B) | October 16<br><br>§ 24.2-416  | In Person: November 4<br>By Mail or Online: October 31 at 5:00 p.m.<br><br>§§ 24.2-701(A), (B)(1), (B)(2) |
| <p>- Notification of adoption of primary must be filed with the Department of Elections by the party chair no sooner than February 8, 2017, nor later than February 28, 2017. (§ 24.2-516)</p> <p>- See the following pages for specifics as to forms required and where each form must be filed. The bulletin and forms are available on our website free of charge:<br/> <a href="http://elections.virginia.gov/index.php/candidatepac-info/becoming-a-candidate/">http://elections.virginia.gov/index.php/candidatepac-info/becoming-a-candidate/</a></p> |   |   |  |   |                               |   |
| During any election, the polls are required to open at 6:00 a.m. and close at 7:00 p.m. (§ 24.2-603)   |   |   |  |   |                               |   |