

1/12/11

**Candidacy Requirements
For
School Board
Park District
County of Smyth**

**April 5, 2011
Special Election**



INTRODUCTION

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

http://www.sbe.virginia.gov/cms/Cidate_Information/Index.html

Each document is explained in Item VI on Pages 4, 5 and 6.

The filing deadline and the officer with whom the qualifying forms are filed are addressed in Item VII on Page 7.

Your particular attention is called to Item III on Page 1. This section addresses Campaign material identification.

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. Select 1, 2 or 4 if your question relates to campaign contributions and expenditures, campaign advertising, or disclaimers. Select 3 if your question relates to candidate ballot access. You also can reach us at 804-864-8901.





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I. SCHOOL BOARD

This bulletin only applies to candidates for Park District. Smyth's School Board is composed of seven district members. This seat is elected by the voters in Park District.

This election is required by law to be **non-partisan** (§ 22.1-57.3(E)). This means that no candidate for school board may be nominated by a political party. The endorsement of a non-party candidate by a political party is permitted.

II. ELECTION DISTRICT

As used herein, election district means the area the candidate will represent if elected.

III. ADVERTISING AND CAMPAIGN MATERIALS

The Campaign Finance Disclosure Act (CFDA) 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 related to campaign finance, please call our toll-free line and ask for the Campaign Finance Division.

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 CFDA, 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 your County Administrator 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*]

III. ADVERTISING AND CAMPAIGN MATERIALS (continued)

C. **Violations**

If you believe any election law has been violated and you have facts concerning the violation, you should report those facts in writing to the Smyth County Commonwealth's Attorney.

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

IV. VDOT INFORMATION

A “clean” campaign is a sign of the times.



Don't “trash” your print budget or throw away volunteer time.

HIGHWAY WORKERS ARE REQUIRED BY LAW TO REMOVE POSTERS AND FLYERS ON SIGNS, GUARDRAILS - OR ANYWHERE ELSE ON STATE-OWNED RIGHT OF WAY. CAMPAIGN PRINT MATERIALS ARE TOO EXPENSIVE TO WIND UP IN THE BACK OF A VDOT TRUCK. AND VOLUNTEER TIME IS TOO VALUABLE TO BE WASTED ON PUTTING UP MATERIALS THAT ARE DESTINED TO COME DOWN.



Don't make highway workers “play politics” on the job.

PICKING UP POLITICAL MATERIALS IS A COSTLY ACTIVITY FOR VDOT. BUT THE COST TO THE CANDIDATE COULD BE EVEN HIGHER. VOTERS DON'T LIKE TO SEE THEIR TAX DOLLARS SUPPORTING SUCH ACTIVITIES. THEY EXPECT TO SEE HIGHWAY WORKERS PATCHING POTHOLES, FILLING LOW SHOULDERS, OR MOWING GRASS.



Don't let campaign materials turn into litter.

MANY VOTERS VOLUNTEER THEIR TIME TO CLEAN UP ROADSIDES IN VDOT'S “ADOPT-A-HIGHWAY” PROGRAM. AFTER SPENDING SEVERAL BACK-BREAKING HOURS BENDING OVER TO PICK UP POLITICAL POSTERS, THEY WON'T FEEL TOO KINDLY TOWARDS THE NAMES AND FACES THAT THEY SEE OVER AND OVER AGAIN.



Don't get “stuck” by bumper stickers.

ONE LITTLE BUMPER STICKER CAN CAUSE A LOT OF EXPENSE. IF APPLIED TO A ROADSIDE SIGN, THE STICKY RESIDUE IS ALMOST IMPOSSIBLE TO REMOVE. THE SIGN MAY HAVE TO BE REPLACED ENTIRELY. THE LARGE GREEN HIGHWAY SIGNS, FOR EXAMPLE, CAN COST UP TO \$800. EVEN A HUMBLE STOP SIGN COSTS MORE THAN \$50. DON'T RISK ALIENATING VOTERS BY DESTROYING THE VERY SIGNS THAT THEIR TAX DOLLARS HAVE PAID FOR.



Don't risk someone's life.

ONE MISPLACED SIGN AT AN INTERSECTION COULD BLOCK A MOTORIST'S VISION - AND COST SOMEONE HIS LIFE. THAT'S WHY VDOT TRAFFIC ENGINEERS REVIEW THE PLACEMENT AND POSITION OF EACH HIGHWAY SIGN TO ENSURE SAFETY - AND TO MINIMIZE “VISUAL CLUTTER”. UNDERSTANDABLY, CAMPAIGN VOLUNTEERS ARE THINKING ABOUT VICTORY - NOT SAFETY. AND THAT COULD POSE A DEADLY PROBLEM.

DO put signs, posters, and other campaign materials anywhere you want on private property with the owner's permission, of course. And because political signs and posters located off the right of way aren't considered “outdoor advertising”, you won't even need a permit.

VDOT - call your local Virginia Department of Transportation office for details.

V. 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; and
- ◆ A resident, by the time of filing, of Park District in Smyth County.

VI. 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/cms/Cidate_Information/Cidate_Forms.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, daytime phone number, name of the financial institution in which he establishes his campaign account and the name of his campaign committee. The Treasurer, if applicable, must also provide his/her name, home mailing address, email address and daytime phone number.

This document is required to be filed as soon as you meet any of the conditions listed in Chapter 2, Section 2.2 – **Establishing a Candidate Campaign Committee** in the *Candidate Campaign Committee Summary* published by the State Board of Elections. This document also is posted on our website:

http://www.sbe.virginia.gov/cms/Campaign_Finance_Disclosure/Index.html

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.

VI. DOCUMENTS REQUIRED TO BE FILED (continued)

C. 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 **at the same time** as the *Petition of Qualified Voters*.

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 for the office sought must be filed **together with** the *Declaration of Candidacy*. Petitions **must be filed** by all **Independent** (non-party) candidates.

1. Petition Circulator

Petitions may be circulated by either the candidate or by any person who is, or who is eligible to be, a registered and qualified voter of Park District.

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 petition **NEVER** can be left unattended, i.e., left on the counter at a grocery store, restaurant, etc.

2. Number of Signatures Required

Petitions must contain the signatures of at least **125** signatures of qualified voters of **Park District** in **Smyth County**.

The State Board recommends that a candidate get at least half again the number of signatures required to assure that enough signers are qualified voters.

3. Regulation on Material Omissions on Candidate Petitions

At its November 22, 2010 meeting the State Board of Elections adopted regulations on material omissions on candidate petitions. This regulation identifies what does and does not constitute material omissions on a candidate's petition for the purpose of disallowing the petition. The document is posted to Virginia's Regulatory Town Hall website and can be viewed through the following hyperlink:

<http://townhall.virginia.gov/L/viewstage.cfm?stageid=5735&display=documents>

Please review the regulation before circulating the Petition of Qualified Voters form.

VI. DOCUMENTS REQUIRED TO BE FILED (continued)

E. Statement of Economic Interests

This document is prepared by the Secretary of the Commonwealth and should be available from the Clerk of the School Board. It is required to be filed by all candidates for School Board in counties **having a population in excess of 3,500**. It is also downloadable from the State Board of Elections website:

http://www.sbe.virginia.gov/cms/Cidate_Information/Cidate_Forms.html

NOTE: A person who is appointed to fill a vacancy until it is filled by special election is required to file a Statement of Economic Interests as a condition to assuming the office.

He is not required to file another Statement of Economic Interests if he becomes a candidate in the Special Election.

VIII. 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 Smyth County Electoral Board. 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 follow through, in this case, the time frame between the calling of the election and the filing deadline.

IX. OTHER REQUIRED REPORTS

All candidates must file *pre-election* and *post-election* Reports of Campaign Contributions and Expenditures. These reports are filed **only** with the Smyth County Electoral Board unless the candidate opts to file reports electronically. Electronic filings are made only to the State Board of Elections. For more information, visit our website:

http://www.sbe.virginia.gov/cms/Campaign_Finance_Disclosure/Index.html

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

Exceptions - A candidate for local office who files an exemption form certifying that he has not and will not solicit or accept any contribution from any other person during the course of his campaign and has not and will not contribute or expend more than \$1,000 during the course of this campaign, is required to file reports of large pre-election contributions and a final report. A form for this purpose is prepared and distributed by the State Board of Elections.

X. ORDER OF NAMES ON BALLOTS

In **Special Elections**

Political party nominations are not permitted for School Board. All candidates must file as Independents. Candidates will appear in alphabetical order on the ballot.

XI. THE SUCCESSFUL CANDIDATE

Any successful candidate must file, as a condition to assuming office, with the **Clerk of the School Board**, as appropriate, a **second** Statement of Economic Interests as required by §§ 2.2-3115 and 2.2-3116 of the *Code of Virginia* **prior to taking office**, and annually thereafter by January 15 of each year. Forms are prescribed by the Secretary of the Commonwealth and should be available from the Clerk of the School Board. If the Clerk is unable to provide a copy, the form can be obtained from our website in our candidate forms section.

http://www.sbe.virginia.gov/cms/Cidate_Information/Cidate_Forms.html

The successful candidate in a *special election* is required by law to qualify and take the oath of office within thirty days of the election. Failure to so qualify creates a vacancy in the office.

XII. 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. Who may circulate a candidate's petitions?

A candidate may circulate his own petitions but is not required to do so. A candidate's petitions may be circulated by any person who is, or who is eligible to be, a registered and qualified voter of Park District. See Item VI D1 herein for details.

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 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 that 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 swear, under oath, that he **personally witnessed** the affixing of each signature on the petition and no person can witness his own signature.

XII. 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?

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.

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

XII. FREQUENTLY ASKED QUESTIONS (continued)

- F. 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.

- G. I am an employee of the school board. Can I be a candidate for school board?

Yes, provided no local rules prohibit the candidacy but, if elected, you must resign the employee position held. An employee of the school board **may not serve** on that school board.

- H. Can a political party endorse a candidate for elected school board?

YES. Endorsements **do not constitute** nomination by the political party.

- I. 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