

# **November 5, 2013 Elections**

## **Candidacy Requirements**

### **For**

## **Local Offices**



## 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

This bulletin applies to local offices elected in November.

ELECTION TYPE	ELECTION DATE	<sup>4</sup> DEADLINES (PERIODS) FOR FILING			LAST DAY TO REGISTER TO VOTE	DEADLINE TO APPLY FOR ABSENTEE BALLOT
		<sup>2</sup> CANDIDATE DECLARATIONS/PETITIONS	<sup>2</sup> OTHER CANDIDATE FORMS	<sup>3</sup> PARTY CHAIRS CERTIFY CANDIDATES		
<sup>1</sup> 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.						
<sup>2</sup> 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	<sup>5</sup> October 15  § 24.2-416	By Mail: October 29 In Person: November 2  §§ 24.2-701B (1) & 24.2-701B (2)

<sup>1</sup>Notification 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)

NO PRIMARIES PERMITTED FOR ELECTED SCHOOL BOARD. Virginia law requires candidates for this office to file as independents. NO political party may nominate any candidate for elected school board. However, a political party may endorse a candidate for this office. Candidates for elected school board must follow either the General Election or, for a vacancy, the appropriate Special Election schedule.

Unless prohibited by the City or Town Charter, partisan elections are permitted for city and town council offices. Usually, non-partisan elections are held for town elections.

<sup>2</sup>See the following pages for specifics as to forms required and where they are to be filed. The bulletin and forms are available on our website free of charge: <http://www.sbe.virginia.gov>

<sup>3</sup>Forms for use in certification of nominees will be emailed to political party chairs.

<sup>4</sup>Candidates for special elections held on November 5, 2013 to fill vacancies in local offices which occurred on or after August 9, 2012 and prior to November 6, 2012 candidates must file all required forms **no later than 7:00 p.m. on June 11, 2013**. For such vacancies occurring on or after November 6, 2012 and prior to August 8, 2013 the **deadline for all candidates** to file all required forms and for political parties to **nominate and certify** nominees is **5:00 p.m., August 16, 2013** (§§ 24.2-226, 24.2-507 and 24.2-510).

Political Party Chairs in Special Elections with a filing deadline of June 11<sup>th</sup>, must **certify** nominees to the State Board and local Electoral Board by no later than **5:00 p.m., June 17, 2013** [§ 24.2-511C].

<sup>5</sup>Monday, October 14<sup>th</sup> 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](mailto:info@sbe.virginia.gov).





# TABLE OF CONTENTS

<i>ITEM</i>	<i>SUBJECT</i>	<i>PAGE</i>
I.	Local Offices (identified) .....	1
II.	Election District (explanation) .....	1
III.	Advertising and Campaign Materials .....	2
IV.	Qualifications to be a Candidate .....	2
V.	Documents Required to be Filed .....	3
VI.	Primary Filing Fee .....	10
VII.	Deadlines and Forms for a Primary Candidate .....	11
VIII.	Deadline and Forms for a Political Party Candidate Nominated by Method other than a Primary	
	- General Election and	
	- Special Election (Vacancy occurred before November 6, 2012).....	12
IX.	- Special Election (Vacancy occurred on or after November 6, 2012) .....	13
X.	Deadline and Forms for an Independent (Non-Party) Candidate	
	- General Election and	
	- Special Election (Vacancy occurred before November 6, 2012).....	14
XI.	- Special Election (Vacancy occurred on or after November 6, 2012) .....	15
XII.	Requirements for Independent Candidate to use Party ID on the Ballot .....	16
XIII.	Deficiencies in Declaration or Petitions (Non-Party) Candidate.....	17
XIV.	Appeal to Deficiency in Petition Signatures for a (Non-Party) Candidate .....	17
XV.	Other Required Reports (All Candidates) .....	19
XVI.	Order of Names on Ballots .....	20
XVII.	The Successful Candidate.....	20
XVIII.	Frequently Asked Questions.....	21



## I. LOCAL OFFICES

Listed below are the offices to which this bulletin applies:

### A. **Constitutional Offices**

Constitutional Offices include Commonwealth's Attorney, Sheriff, Commissioner of Revenue and Treasurer. These officers serve all residents in the city they are elected to represent.

### B. **Board of Supervisors** or **City Council** or **Town Council** [IF THE OFFICE IS NORMALLY ELECTED IN NOVEMBER]

This county, city or town governing body may be elected either At Large or by district. When members are elected at large, all voters in the county, city or town vote for the same candidates. If members are elected by district, only voters who reside in the district in which the candidate is running are eligible to vote for that candidate.

### C. **Mayor** [IF THE OFFICE IS NORMALLY ELECTED IN NOVEMBER]

Elected at large if the city or town charter specifies that this officer is elected by the voters.

### D. **County School Board** or **City School Board** [IF THE OFFICE IS NORMALLY ELECTED IN NOVEMBER]

This office only will appear on the ballot if the voters of the county or city 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 board of supervisors or city council. Item IB explains the manner in which they may be elected.

This election is required by law to be **non-partisan**. 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. 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, 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 your County Administrator or 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 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 for 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.

### IV. 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 county, city or town in which he offers for election; and
- ◆ If seeking a district seat, a resident of the election district to be represented.

## 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

Most candidates for local office must comply with the provisions of the Campaign Finance Disclosure Act. For a list of the offices not covered by the Act, please refer to Chapter 1, Section 1.4 – **Elections Not Covered** in the *Candidate Campaign Committee Summary* published by the State Board of Elections. The *Summary* is posted on the State Board's website:

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

The statement is prepared and distributed by the State Board of Elections. Any individual serving as campaign treasurer must be a qualified voter of the Commonwealth of Virginia. 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.

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 general registrar until after January 1, 2013.

## V. 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 primary election candidates and independent (non-party) candidates. If petitions also are required for the office sought, the Declaration must be filed **at the same time** as the petitions. See Item V, D2 on the next page for number of signatures required on 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 county or city chair 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 for the office sought must be filed **together with** the *Declaration of Candidacy*. Petitions, if required, **cannot** be circulated until **after** January 1, 2013. See Item V, D2 on the next page for number of signatures required on petitions.

#### 1. Petition Circulator

A candidate's petition 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. Court of Appeals upheld the 2012 4<sup>th</sup> Circuit Court's ruling in the Libertarian Party of Virginia v. Judd et al. case. The ruling leaves in place the directive that prohibits the State Board of Elections from enforcing the in-state residency requirement to circulate a candidate petition contained within §§ 24.2-506 and 24.2-521. The Attorney General's office is appealing the ruling to the U.S. Supreme Court.

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.

## V. DOCUMENTS REQUIRED TO BE FILED (continued)

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

#### 2. **Number of Signatures Required**

Petitions must contain the signatures of at least 125 qualified voters of the district. See **EXCEPTIONS** below.

### **EXCEPTIONS**

#### **Board of Supervisors or School Board**

##### **– District has 1,000 or fewer registered voters as of January 1, 2013**

If a board of supervisor or school board election district has 1,000 or fewer registered voters as of January 1, 2013, petitions must contain the signatures of at least 50 qualified voters of the district.

#### **Town Offices**

##### **– Town has more than 1,500 registered voters as of January 1, 2013**

If a town has **more than 1,500 registered voters as of January 1, 2013**, the following signature requirements apply:

- for **At Large seats**, signatures of at least **125** qualified voters of the town;
- for **town district** seats, signatures of at least **25** qualified voters of the town district seat.

##### **– Town has 1,500 or fewer registered voters as of January 1, 2013**

NO petition is required.

Call your general registrar to confirm which signature requirement applies to you.

The State Board recommends that a candidate get at least 1 ½ times the number of signatures required to assure that enough signers are qualified voters. (For example: SBE recommends candidates for board of supervisors with a 125 signature requirement gather at least 200 signatures.)

## V. DOCUMENTS REQUIRED TO BE FILED (continued)

D. **Petition of Qualified Voters** (continued)**3. Regulation on Material Omissions on Candidate Petitions Rev 7/9/13**

The State Board of Elections' Material Omission Regulation identifies what does and does not constitute a material omission on a candidate's petition and petition signatures for the purpose of allowing or disallowing both.

**Special Note:** The U.S. Court of Appeal's ruling permitting out of state petition circulators makes the in state residency reference in B 6 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 or a petition signature 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 shall be rendered invalid if:
  1. The petition submitted is not the double-sided, or a [double sided] 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 [~~a legal resident of the Commonwealth~~], a minor, or 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. A person other than the circulator signed the petition affidavit;
  10. The notary has not affixed a photographically reproducible seal;
  11. The notary has not included his registration number and commission expiration date; or
  12. Any combination of the scenarios of this subsection exists.

## V. DOCUMENTS REQUIRED TO BE FILED (continued)

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

#### 3. **Regulation on Material Omissions on Candidate Petitions** (continued)

C. The following omissions related to individual petition signatures are always material and any petition signature containing such omission shall be rendered invalid if:

1. The signer is not qualified to cast a ballot for the office for which the petition was circulated.
2. The signer is also the circulator of the petition;
3. The signer provided an accompanying date that is subsequent to the date upon which the notary signed the petition;
4. The signer did not sign the petition; or
5. The signer provided an address that does not match the petition signer's address in the Virginia voter registration system, unless the signer provided an address that is within the same precinct where a voter is currently registered in the Virginia voter registration system and the signer can be reasonably identified as the same registered voter.

D. The following omissions shall be treated as nonmaterial provided the general registrar can independently and reasonably verify the validity of the petition or signature:

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;
4. The circulator has not provided the last four digits of his social security number in the affidavit;
5. The signer omits his first name, provided he provides a combination of his first or middle initials or a middle name and last name and address that matches a qualified voter within the Virginia voter registration system;
6. The signer provided a derivative of his legal name as his first or middle name (e.g., "Bob" instead of "Robert");

## V. DOCUMENTS REQUIRED TO BE FILED (continued)

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

#### 3. **Regulation on Material Omissions on Candidate Petitions** (continued)

7. The signer signs his name on the "Print" line and prints his name on the "Sign" line; or
8. The signer fails to provide the date but a period of time that qualifies can affirmatively be established with previous and subsequent dates provided by other signers upon the petition page.

E. A signature upon a petition shall be included in the count toward meeting the petition signature requirements only if:

1. The petition signer is a qualified voter who is maintained on the Virginia voter registration system either (i) with active status or (ii) with inactive status and qualified to vote for the office for which the petition was circulated;
2. The signer provides his name; and
3. The signer provides an address that matches the petition signer's address in the Virginia voter registration system, or the signer provided an address that is within the same precinct where a voter is currently registered in the Virginia voter registration system and the signer can be reasonably identified as the same registered voter.

#### 4. **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)

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

#### 4. 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.** As a courtesy, general registrars have the option of verifying the number of qualified voters that have signed a candidate's petitions prior to the filing deadline for the purpose of alerting the candidate of deficiencies. However, it is the candidate's ultimate responsibility to ensure that he or she gathers the requisite number of signatures of qualified voters, utilize eligible circulators, and otherwise follow the procedures laid out in the law. A candidate that files the certificate of candidate qualification with his\her general registrar may purchase from the State Board of Elections a list of registered voters for their election district. Purchasing the list may aide 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 1/2" x 11") or legal size (8 1/2" 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 the Secretary of the Commonwealth and should be available from the clerk of the governing body, the clerk of the school board or the clerk of the city or town council. It is also available in the candidate forms section of the State Board's website (<http://www.sbe.virginia.gov/CandidateForms.html>).

If questions arise about how to complete the Statement, please contact the Secretary of the Commonwealth's Conflict of Interest Director, at (804) 786-2441.

It is required to be filed by all candidates for any constitutional office. It is also required to be filed by candidates for board of supervisors, city council, school board and town council in **counties, cities and towns having a population in excess of 3,500**. In accordance with SBE Policy [2010-003](#), the statement of economic interests may not be filed with the general registrar until after January 1, 2013.

**Exception** - Individuals who are officers or employees need not re-file this form as candidates if they met the requirement for filing in January 2013.

## VI. 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. Contact the treasurer or the director of finance in your county or city for details.

**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 your county or city chair for details.

VII. FILING DEADLINES AND WHERE TO FILE

**For A Primary Candidate**

*Items 1, 2 and 3 must be received* by the appropriate *Political Party Chair* by the filing deadline. Postmarks are acceptable **only** for *Items 4 and 5* 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.

PRIMARY FILING FEE	WHERE TO FILE	FILING DEADLINE
Filing Fee equal to 2% of the annual salary for the office sought in effect on January 1, 2013. Contact the finance officer of the county or city.	Treasurer or Director of Finance of the county or city where the candidate resides	5:00 p.m. 3/28/2013

REQUIRED FORMS	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy *2. Petitions of Qualified Voters 3. Receipt for Payment of Primary Filing Fee	Chair of the Political Party Committee of the county or city, as appropriate.	No earlier than Noon on 3/11/2013 and no later than 5:00 p.m. on 3/28/2013
*4. Certificate of Candidate Qualification *5. Statement of Economic Interests	General Registrar of the candidate's county** or city of residence	5:00 p.m. 3/28/2013
*6. 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	

**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 3 through 10 herein for details.  
 \*\* Candidates for town offices in a town that is located in two counties must file forms with the General Registrar of the County in which the greater portion of the town lies (the county responsible for holding the election).  
 \*\*\* 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.

## VIII. FILING DEADLINE AND WHERE TO FILE

**For A Party Candidate  
Nominated By Method Other Than A Primary**

*For A General Election  
and  
For Special Elections to fill vacancies  
occurring after August 9, 2012 and prior to November 6, 2012*

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	WHERE TO FILE	FILING DEADLINE
*1. Certificate of Candidate Qualification	General Registrar of the candidate's county** or city of residence	7:00 p.m. 6/11/2013
*2. Statement of Economic Interests		
*3. 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	

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 General or Special Election ballot.**

\* Refer to Pages 3 through 10 herein for details.

\*\* Candidates for town offices in a town that is located in two counties must file forms with the General Registrar of the County in which the greater portion of the town lies (the county responsible for holding the election).

\*\*\* 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**

***For Special Elections to fill vacancies  
occurring on or after November 6, 2012 and before August 8, 2013***

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	WHERE TO FILE	FILING DEADLINE
*1. Certificate of Candidate Qualification *2. Statement of Economic Interests	General Registrar of the candidate's county** or city of residence	5:00 p.m. 8/16/2013
*3. 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	

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 Pages 3 through 10 herein for details.  
 \*\* Candidates for town offices in a town that is located in two counties must file forms with the General Registrar of the County in which the greater portion of the town lies (the county responsible for holding the election).  
 \*\*\* 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**

***For A General Election***  
and  
***For Special Elections to fill vacancies***  
***occurring after August 9, 2012 and prior to November 6, 2012***

*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	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy	General Registrar of the candidate's county** or city of residence	7:00 p.m. 6/11/2013
*2. Petitions of Qualified Voters		
*3. Statement of Economic Interests		
*4. Certificate of Candidate Qualification		
*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	

**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.**

\* Refer to Pages 3 through 10 herein for details.

\*\* Candidates for town offices in a town that is located in two counties must file forms with the General Registrar of the County in which the greater portion of the town lies (the county responsible for holding the election).

\*\*\* 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. FILING DEADLINE AND WHERE TO FILE

**For An Independent (Non-Party) Candidate**

***For Special Elections to fill vacancies  
occurring on or after November 6, 2012 and before August 8, 2013***

*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	WHERE TO FILE	FILING DEADLINE
*1. Declaration of Candidacy	General Registrar of the the candidate's county** or city of residence	5:00 p.m. 8/16/2013
*2. Petitions of Qualified Voters		
*3. Certificate of Candidate Qualification		
*4. Statement of Economic Interests		
*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	

**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 Pages 3 through 10 herein for details.  
 \*\* Candidates for town offices in a town that is located in two counties must file forms with the General Registrar of the County in which the greater portion of the town lies (the county responsible for holding the election).  
 \*\*\* 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.

## XII. 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 5<sup>th</sup> ballot to assure that deadline for providing this information is met.

### XIII. 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 Electoral Board of the candidate's county or city of residence. It must accompany the declaration of candidacy and, if required, the petitions filed with the General Registrar.

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

### XIV. APPEAL TO DEFICIENCY IN PETITION SIGNATURES

At its 2013 Session, the General Assembly passed legislation granting a nonparty candidate the right to appeal a local electoral board's determination of deficiencies with his/her petition signatures (§ 24.2-506). The State Board's regulation articulating the appeal process is provided below. Republished on 7/9/13.

#### **1VAC20-50-30. Appeals of petition signature insufficiency**

- A. Pursuant to the requirements of §§ 24.2-506 and 24.2-543 of the Code of Virginia, a candidate for office, other than a party nominee, may appeal a determination that the candidate has failed to provide the required number of valid petition signatures necessary to qualify to appear on the ballot.
- B. Any communication or notice required in this section shall be made in writing and delivered by mail or, unless otherwise prohibited by the Code of Virginia, electronically by electronic mail or facsimile. Notice of appeal from candidates must bear a photographically reproducible notary seal and be received by the deadlines established within this section.
- C. A candidate for a county, city, or town office shall file his appeal with the local electoral board. A candidate for any other office shall file his appeal with the State Board of Elections.
- D. A candidate for an office other than President of the United States must file his appeal within five (5) calendar days of the issuance of the notice of disqualification.
- E. A candidate for President must file his appeal within seven (7) calendar days of the issuance of the notice of disqualification.

## XIV. APPEAL TO DEFICIENCY IN PETITION SIGNATURES

### 1VAC20-50-30. Appeals of petition signature insufficiency (continued)

- F. The proper body to which the appeal notice was given shall establish the time and place where the appeal will be heard and convey this information immediately to the candidate. Electronic mail will be the preferred method of notifying the candidate if such address has been provided by the candidate, otherwise, notice shall be sent by first-class mail.
- G. The candidate bears the burden of proof in establishing that a sufficient number of signatures from qualified voters were timely provided.
1. The candidate must submit a list containing the rejected signatures to be reviewed and the specific reason for each signature's reconsideration at least two (2) business days prior to the date on which the appeal will be heard. If the candidate submits no list, or submits a list that contains an insufficient number of names and reconsideration reasons to make up the number of signatures by which the candidate was deemed deficient, no appeal shall be held and the initial determination that the candidate did not qualify for the ballot will be final.
  2. The candidate may submit documents clarifying the status of persons whose signatures were rejected for lacking proper registration status or residence.
  3. The candidate may submit documents establishing the age of majority for any signer who was listed as ineligible due to status of being a legal minor.
  4. The candidate may submit affidavits from persons whose signatures were rejected due to illegibility that attest to their identity. If possible, the affidavits should state the person's name, residence address, and a reasonable description of the location where approached by the circulator to sign the petition.
  5. The candidate may not submit documents establishing that a petition signer became registered or updated their voter registration status to the address provided upon the petition after the established candidate filing deadline for the office sought.

## XIV. APPEAL TO DEFICIENCY IN PETITION SIGNATURES

### 1VAC20-50-30. Appeals of petition signature insufficiency (continued)

- H. Individual signatures reconsidered during the appeal will only count towards the candidate's requisite number if a majority of board members agree that sufficient evidence exists for their inclusion.
- I. All determinations of the board before which the appeal is being heard shall be considered final and not subject to further appeal.

## XV. OTHER REQUIRED REPORTS

All candidates who must comply with the provisions of the Campaign Finance Disclosure Act file *pre-election* and *post-election* Reports of Campaign Contributions and Expenditures. These reports are filed **only** with the Electoral Board of the candidate's county or city of residence **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/CampaignFinanceDisclosure.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.

Candidates for town council offices in a town with a **population of less than 25,000**, are exempt from the provisions of the Campaign Finance Disclosure Act unless the town council has adopted an ordinance requiring town candidates to comply with the provisions of the Act. Check with the Town Clerk to determine if such an ordinance has been adopted.

## XVI. 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 Electoral Board of the county or city.

### In **General and 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.

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.

## XVII. THE SUCCESSFUL CANDIDATE

Any successful candidate for a constitutional office or for any other office in **counties, cities and towns having a population in excess of 3,500** must file, as a condition to assuming office, with the **clerk of the board of supervisors** or the **clerk of the school board** or the **clerk of the city or town council** 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 appropriate clerk. 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/CandidateForms.html>

The successful candidate in a *general election* is required by law to qualify and take the oath of office on or before the term of office begins or, for a county, city or town governing body or school board, no later than the initial meeting of the county, city or town governing body or school board.

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 (§ 24.2-201).

Failure to qualify in a timely manner creates a vacancy in the office.

## XVIII. 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'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. Court of Appeals upheld the 2012 4<sup>th</sup> Circuit Court's ruling in the Libertarian Party of Virginia v. Judd et al. case. The ruling leaves in place the directive that prohibits the State Board of Elections from enforcing the in-state residency requirement to circulate a candidate petition contained within §§ 24.2-506 and 24.2-521. The Attorney General's office is appealing the ruling to the U. S. Supreme Court.

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 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.

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.

## XVIII. FREQUENTLY ASKED QUESTIONS (continued)

- 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 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**.

- 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.

## XVIII. FREQUENTLY ASKED QUESTIONS (continued)

### I. 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](http://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\132\GDoc_SBE_5329_v1.pdf)\*

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