



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Candidate Bulletin

**Requirements for the
January 8, 2019 Special Election
for
Member
Senate of Virginia
33rd District**



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Candidate Requirements

1. General Disclaimer

The electronic version of this Candidate Bulletin can be found on the Department of Elections website: <https://www.elections.virginia.gov/candidatepac-info/candidate-bulletins/index.html>

Candidates are responsible for complying with all current applicable local, state, and federal laws and regulations.

This Candidate Bulletin provides an overview of Virginia electoral requirements only. It does not purport to provide legal advice or binding statements of official policy. Rather, the Candidate Bulletin describes election law found in the Code of Virginia. Applicable laws and regulations are subject to change in content and interpretation.

2. Qualifications to be a Candidate and Hold the Office Sought

- ❖ Constitution of Va. [Article II, § 5](#) and [Article IV, § 4](#)
- ❖ Va. Code §§ [24.2-101](#) (definition of “qualified voter” and “residence”), [24.2-500](#), [24.2-501](#), and [24.2-519](#)
- ❖ Va. Administrative Codes [1 VAC 20-40-20](#) and [1 VAC 20-40-30](#)

For a person to qualify as a candidate they must be qualified to vote for and hold the office sought. This means they must be:

- A resident of the county, independent city, or town in which they offer for election.
- Registered to vote in the county, independent city, or town in which they offer for election.

For a candidate to be elected to the Virginia General Assembly they must be:

- Twenty-one (21) years of age at the time of the election.
- A resident of the Commonwealth of Virginia for one year immediately preceding the election.

If a candidate elected to the Virginia General Assembly holds any of the following positions, they must vacate the held position prior to taking office.

- | | |
|---|------------------------------------|
| • Salaried office under VA. government | • Commissioner of Revenue |
| • Judge of any court | • Sheriff |
| • Clerk of any court | • Treasurer |
| • Commonwealth’s Attorney | • Assessor or collector of taxes |
| • Office or post of profit or emolument under the US government | • An employee of the US government |

3. Required Filings

Candidates must file certain items in order to qualify to appear on the ballot. Each item is described below along with an explanation of who is required to file.

3.1 Certificate of Candidate Qualification

- ❖ Va. Code §§ [24.2-501](#) and [24.2-503](#);
- ❖ Form: [SBE-501](#)

All candidates are required to file a Certificate of Candidate Qualification to certify under oath that they meet the qualifications set out in the Code of Virginia. Candidates for the Virginia General Assembly must file this form with the Department of Elections (the Department).

IMPORTANT:

- ★ Candidates are set up in the Virginia Election and Registration System (VERIS) using this form. The candidate information provided on the Department's website is pulled directly from VERIS. To avoid delays in candidate set up and incomplete/incorrect information being posted to the website, confirm that you have completed the form correctly and in its entirety before filing.
- ★ You must provide a ballot name that complies with the ballot standards listed on the back of the form.
- ★ All contact information you provide on the form will be posted on the Department's website.

3.2 Declaration of Candidacy

- ❖ Va. Code §§ [24.2-505](#), [24.2-507](#), [24.2-520](#), and [24.2-522](#);
- ❖ Form: [SBE-505/520](#)

The Declaration of Candidacy is a required filing for **independent (non-party) candidates**. It must be filed with the candidate's Petitions of Qualified Voters and Primary filing fee receipt (if required). Independent candidates for the Virginia General Assembly file this form with the general registrar in their locality of residence.

Party candidates nominated by a method other than primary are not required to submit a declaration unless required by their party to do so.

Continued on next page.

3.3 Petition of Qualified Voters

- ❖ Va. Code §§ [24.2-505\(D\)](#), [24.2-506](#), [24.2-507](#), [24.2-521](#), and [24.2-522](#);
- ❖ Va. Administrative Code [1 VAC 20-50-20](#) and [1 VAC 20-50-30](#);
- ❖ Form: [SBE-506/521](#)

Petitions of Qualified Voters are a required filing for **independent (non-party) candidates** and must be filed with the candidate's Declaration of Candidacy. Independent candidates for the Virginia General Assembly must file these forms with the general registrar in the candidate's locality of residence.

For special elections where the writ or order calling for the special election is issued after January 2nd of the year in which the election is to be held, candidates may begin circulating petitions for signatures on the date the writ or order is issued.

Virginia Senate of Virginia candidates are required to obtain 250 qualified signatures.

Review the State Board's regulation regarding material omissions from qualified voters on petitions (Va. Administrative Code [1 VAC 20-50-20](#)) before circulating Petitions. Local charters may have additional requirements so contact your local attorney as well for guidance and more information.

IMPORTANT:

- ★ The petition is a two-sided form (one page, front and back), and comes in two sizes: legal and letter. The petition's pages on which signatures are obtained must be originally printed two-sided (one page, front and back) to be considered valid.
- ★ Any petition that is printed on two separate pieces of paper or copied front and back from two separate pieces of paper will be rendered invalid and none of its signatures will be counted.

Candidates do not have to wait until they have obtained the required number of signatures to file completed petition pages. Candidates may make multiple filings. The candidate's Declaration of Candidacy form must be filed with the first filed petition pages.

Independent candidates may request notification of any problems with their filing that can be corrected before the filing deadline. This request must be in writing and addressed to the secretary of the electoral board in the candidate's locality of residence. The written request does not guarantee a timely response. Certain factors, such as the number and time of filings, may affect the electoral board's ability to comply with the request.

Candidates may appeal a determination that the candidate's petitions do not contain the minimum number of signatures of qualified voters for the office sought. Candidates have five days from the issuance of the disqualification notice to file their appeal with the State Board of Elections.

Appeals are conducted with regulations set forth by the State Board of Elections. "The consideration on appeal shall be limited to whether or not the signatures on the petitions that were filed were

reasonably rejected according to the requirements of [Va. Code Title [24.2](#) and Va. Administrative Code [1VAC20-50-20](#) and [1VAC20-50-30](#)].” (Va. Code § [24.2-506](#)(C)) “The candidate bears the burden of proof in establishing that a sufficient number of signatures from qualified voters were timely provided.” (Va. Administrative Code [1VAC20-50-30](#)(G)) All appeals are final and not subject to further appeal.

3.4 Statement of Economic Interests

- ❖ Va. Code §§ [24.2-502](#), [24.2-503](#) and [30-110](#);
- ❖ Form: [SOEI](#)

Most General Assembly candidates are required to file a Statement of Economic Interests (SOEI) with the Department. The form can be obtained from the [Candidate Forms](#) page on the Department’s website. **Candidates for reelection** (incumbents) who have met the annual SOEI filing requirement are exempt from this candidate requirement.

For help with completing the form, contact the [Virginia Conflict of Interest and Ethics Advisory Council](#); ethics@dls.virginia.gov, 804-698-1848, 900 East Main Street, 8th Floor, Richmond, Virginia 23219.

The Virginia State and Local Government Conflict of Interest Act (COIA) requires general registrars to notify all candidates of the provisions of COIA, found in [Chapter 31 of Title 2.2 of the Code of Virginia](#), 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 (SOEI); and (2) prohibitions against certain conduct or participation in certain transactions. See the COIA Council’s [website](#), for more information.

3.5 Party Certification of Non-Primary Candidate

- ❖ Va. Code §§ [24.2-510](#) and [24.2-511](#);
- ❖ Form: [SBE-511](#)

Political party chairs are required to file the Party Certification of Non-Primary Candidate for party candidates nominated by a method other than primary. It is submitted in place of the Declaration of Candidacy and Petition of Qualified Voters. Party Certification for Virginia General Assembly candidates must be filed with the Department.

3.6 Statement of Organization and Campaign Finance Reports

- ❖ Va. Code Title 24.2 [Chapter 9.3](#);
- ❖ Links: [Campaign Finance Information](#) and [COMET](#)

While the Statement of Organization is not required to qualify for the ballot, it is required to be filed by **all persons** seeking or campaigning for an elected office who meet the conditions outlined in Va. Code § [24.2-947.1](#) of the [Campaign Finance Disclosure Act \(CFDA\)](#). The form is due within 10 days of meeting any one of the conditions. Failing to file the Statement of Organization is not cause for disqualification but will subject a candidate to penalties imposed by the CFDA. **Virginia General Assembly candidates** must file the Statement of Organization electronically through [Committee Electronic Tracking \(COMET\)](#)

on the Department's website and provide a signed copy to the general registrar in their locality of residence.

Subject to certain exemptions, **Virginia General Assembly candidates** must also file campaign finance disclosure forms and a final report. Virginia General Assembly candidates must file these electronically through COMET as well. Reporting due dates are outlined in the [Candidate Filing Schedule](#) on the Department's website.

The CFDA also imposes certain requirements relating to identification of campaign advertisements and communications. See the [Candidate Campaign Committee Summary](#) published by the Department for specific requirements.

4. How to File

Contact information for filing with the Department can be found on the [Contact Us](#) page on the Department's website.

Contact information for filing with your general registrar can be found on the [Local Voter Registration Office](#) search page on the Department's website.

Contact your senatorial district or legislative district political party chairman for their contact information for filing.

IMPORTANT:

- ★ **Forms with social security numbers** may not be emailed due to containing confidential information. Any form with a social security number submitted through email will not be accepted.
- ★ **Original completed petitions** must be submitted. Petitions submitted through fax or email will not be accepted. Copies of signatures will be rendered invalid and not counted.
- ★ **Only the Certificate of Candidate Qualification and the Statement of Economic Interests** may be considered timely filed if mailed on the filing deadline date. They must be mailed postage prepaid to the appropriate location by registered or certified mail. The mailing receipt must be made available for review upon request to show the document was mailed by the deadline. All other forms must be received by the deadline to be considered timely filed.

Continued on next page.

5. Filing Summary Tables

Forms: Campaign finance forms and COMET can be found [here](#). All other forms can be found [here](#).

5.1 Party Candidates Nominated By a Method Other Than Primary

What to File	Where to File	Deadline to File
Certificate of Candidate Qualification	Department of Elections	Monday, 11/19/2018; 5:00 PM
Statement of Economic Interests		
Party Certification		
Statement of Organization	<ol style="list-style-type: none"> 1. Department of Elections (Electronically through COMET) 2. General Registrar in the locality of residence 	Within 10 days of meeting any one of the conditions listed in § 24.2-947.1

5.2 Independent (Non-Party) Candidates

What to File	Where to File	Deadline to File
Certificate of Candidate Qualification	Department of Elections	Monday, 11/19/2018; 5:00 PM
Statement of Economic Interests		
Declaration of Candidacy	General Registrar in the locality of residence	Within 10 days of meeting any one of the conditions listed in § 24.2-947.1
Petitions of Qualified Voters		
Statement of Organization	<ol style="list-style-type: none"> 1. Department of Elections (Electronically through COMET) 2. General Registrar in the locality of residence 	

6. Candidate Withdrawal

❖ Va. Code § [24.2-612.2](#); Form: [ELECT-612.2](#)

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. Such notice shall be provided to the general registrar of the county or city in which he resides. The recipient general registrar shall, when appropriate, notify the general registrars in other localities and/or the Department.

Summary calendar on next page.



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7. Election Calendar – January 8, 2019 Special Election

Election Type	Election Date	Filing Deadlines		Last Day to Register to Vote	Last Day to Apply for an Absentee Ballot
		For Candidates	For Parties		
Special	Tuesday, 1/8/19	Monday, 11/19/18; 5:00 PM	Monday, 11/19/18; 5:00 PM	Wednesday, 1/2/19 • In Person: 5:00 PM • Online: 11:59 PM	<ul style="list-style-type: none"> • Online, Fax, Mail: Wednesday, 1/2/19; 5:00 PM • In Person: Saturday, 1/5/19, 5:00 PM
	Va. Code § 24.2-226	Va. Code §§ 24.2-503 and 24.2-507	Va. Code §§ 24.2-510 and 24.2-511	Va. Code §§ 24.2-414 , 24.2-416 , and 1-210	Va. Code §§ 24.2-701 and 1-210

- See Section 4 of this Candidate Bulletin for more information on which forms can be filed electronically or via fax.
- The electronic version of the Candidate Bulletin for this election can be found on the Department of Elections website here: <https://www.elections.virginia.gov/candidatepac-info/candidate-bulletins/index.html>.
- Polls are required to be open 6:00 AM through 7:00 PM during all elections. (Va. Code § [24.2-603](#))