

**1VAC20-60-20. Material omissions on referendum petitions and petition signature qualifications.**

A. Pursuant to the requirements of § 24.2-684.1 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 document, or a [double-sided] copy thereof, provided by the State Board of Elections;
2. The "question" or "referendum issue" is not stated in a manner set forth by law on the front of the petition;
3. The circulator has not signed the petition affidavit and provided his current address;
4. The circulator is [~~a legal resident of the Commonwealth~~], a minor, or a felon whose voting rights have not been restored;
5. The circulator has not signed the affidavit for the petition he circulated in the presence of a notary;
6. The circulator has not had a notary sign the affidavit for each petition submitted;
7. A person other than the circulator signed the petition affidavit;
8. The notary has not affixed a photographically reproducible seal;
9. The notary has not included his registration number and commission expiration date; or
10. Any combination of the aforementioned scenarios exist.

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 referendum 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; or
3. The circulator has not provided the last four digits of his social security number in the affidavit;
4. 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;

5. The signer provided a derivative of his legal name as his first or middle name (e.g., "Bob" instead of "Robert");
6. The signer signs his name on the "Print" line and prints his name on the "Sign" line; or
7. 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.

#### Statutory Authority

§ 24.2-103 of the Code of Virginia.

#### Historical Notes

Derived from Virginia Register Volume 27, Issue 16, eff. March 28, 2011; amended, Virginia Register Volume 29, Issue 1, eff. August 29, 2012.