



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

# Candidate Bulletin

**November 6, 2018**

**Special Election**

Member

House of Delegates

8th District

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# I General Disclaimer

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 Filing Deadlines and Where to File

### 2.1 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 Department of Elections 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 filing deadline to be considered timely filed.

Required Forms	Where to File	Filing Deadline
Statement of Economic Interests	<a href="#">Department of Elections</a> 1100 Bank St., 1 <sup>st</sup> Floor Richmond, VA 23219	Friday, August 17, 2018 at 5:00 p.m.
Certificate of Candidate Qualification – General Assembly		
Party Certification (SBE-511)		
Statement of Organization	Department of Elections and copy filed with General Registrar in the <a href="#">locality</a> of residence	Within 10 days of meeting any one of the conditions listed in § <a href="#">24.2-947.1.A</a>

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

The Certificate of Candidate Qualification and the Statement of Economic Interests may be considered timely filed if mailed postage prepaid to the Department of Elections 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 filing deadline to be considered timely filed.

Required Forms	Where to File	Filing Deadline
Declaration of Candidacy	General registrar in the <a href="#">locality</a> of residence	Friday, August 17, 2018 at 5:00 p.m.
Petitions of Qualified Voters		
Statement of Economic Interests	<a href="#">Department of Elections</a> 1100 Bank St., 1 <sup>st</sup> Floor Richmond, VA 23219	
Certificate of Candidate Qualification – General Assembly		
Statement of Organization	Department of Elections and copy filed with General Registrar in the <a href="#">locality</a> of residence	Within 10 days of meeting any one of the conditions listed in § <a href="#">24.2-947.1.A</a>

### 3 Qualifications to be a Candidate

A candidate must meet each of the following requirements<sup>1</sup>:

1. Qualified to vote for and hold the office sought
2. A resident<sup>2</sup> of the Commonwealth for one year immediately preceding the election
3. A resident, by the time of filing, of the county or city in which he offers for election
4. At least twenty-one years of age or will be on or before November 6, 2018

### 4 Forms

A candidate must file certain documents in order to qualify to appear on the ballot.<sup>3</sup> Each form is described below. An explanation of who is required to file each item also is provided.

#### 4.1 Certificate of Candidate Qualification

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

All candidates to appear on a ballot are required to file this form. Using this form, candidates certify under oath to the Department of Elections that they meet the qualifications set out in the Code of Virginia.<sup>4</sup> Candidates for the General Assembly file this form with the Department of Elections.

#### 4.2 Declaration of Candidacy

Form: [SBE-505/506](#); Va. Code §§ [24.2-505](#), [24.2-507](#), [24.2-520](#), and [24.2-522](#)

This form must be filed with the Petition of Qualified Voters.<sup>5</sup> It is a required filing for independent (non-party) candidates. Independent candidates for **House of Delegates** file this form with their general registrar. Party candidates nominated by a non-primary method are not required to submit a declaration unless required by their party to do so.

#### 4.3 Petition of Qualified Voters

Form: [SBE-506/521](#); Va. Code §§ [24.2-506](#), [24.2-507](#), [24.2-521](#), and [24.2-522](#); Va. Administrative Code [1VAC20-50-20](#) and [1VAC20-50-30](#)

This form is prepared and distributed by the Department of Elections in two sizes: legal and letter.<sup>6</sup> Petitions must be filed together with the Declaration of Candidacy. Candidates for special elections may not circulate

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<sup>1</sup> Va. Code §§ [24.2-500](#) and [24.2-501](#).

<sup>2</sup> See Va. Code § [24.2-101](#), definition of “residence,” and Va. Administrative Code [1 VAC 20-40-20](#) and [1 VAC 20-40-30](#).

<sup>3</sup> Each document can be downloaded from our website: [elections.virginia.gov](http://elections.virginia.gov).

<sup>4</sup> Va. Code § [24.2-501](#).

<sup>5</sup> Va. Code § [24.2-505](#).

<sup>6</sup> [Letter](#) and [legal](#).

petitions until after the issuance of the writ or order calling the election. Candidates for the Virginia House of Delegates must collect at least 125 qualifying signatures. 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 his/her 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.

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.

#### 4.4 Statement of Economic Interest

Va. Code §§ [24.2-502](#) and [24.2-503](#)

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, <https://www.elections.virginia.gov/Files/BecomingACandidate/2017-GeneralAssemblySOEI.pdf>.

#### 4.5 Party Certification

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

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>

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

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

<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\(A\)](#).

## 4.6 Statement of Organization

Forms: [CFDA-947.1](#) and [Campaign Finance Reports](#); Va. Code Title 24.2 Ch. 9.3, [Art. 3](#) (§§ 24.2-947 through 24.2-948.4)

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>

## 5 Campaign Finance and Advertising

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>15</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>16</sup>

## 6 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>17</sup>

## 7 Notice of Withdrawal of Candidate

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

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 a Candidate Withdrawal Form has been filed with the general registrar in the candidate's locality of residence. The recipient general registrar shall notify the general registrars in other localities and the Department as appropriate. Contact information for general registrars can be found on the [Local Voter Registration Office](#) search page on the Department's website.

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

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

<sup>15</sup> [COMmittee Electronic Tracking](#) (COMET).

<sup>16</sup> [Summary of Laws and Policies for Candidate Campaign Committees](#).

<sup>17</sup> <http://ethics.dls.virginia.gov/>.



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## 8 Election Calendar

### November 6, 2018 Special Elections

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 must be completed by Friday, August 17 <sup>th</sup> .						
Special	November 6, 2018	Independent Candidates  Friday, August 17, 2018  5:00 p.m.  Governor's Writ	All Candidates  Friday, August 17, 2018  5:00 p.m.  § 24.2-503	Friday, August 17, 2018  5:00 p.m.  § 24.2-511	Monday, October 15, 2018  11:59 p.m.  § 24.2-414, 416	In Person: Saturday, November 3, 2018  By Mail or Online: Tuesday, October 30, 2018  5:00 p.m.  §§ 24.2-701(A), (B)(1), (B)(2)
During any election, the polls are required to open at 6:00 a.m. and close at 7:00 p.m. (§ 24.2-603)						