



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

# How to Run for Office For Independent Candidates or Third Party Political Organizations

Ballot Access Requirements for the  
**November 3, 2020 General Election**  
for President and Vice President

## Important definitions and key icons

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**Independent candidate** – an individual who is seeking to run in a General Election without affiliation of the Republican, Democrat, or Third Party organization.

**Qualified voter** – A person who is entitled to vote under the Virginia Constitution and is properly registered to vote (see [definition here](#))

**Third party political organization** – An organization that meets the requirements set out in Va. Code § [24.2-543\(A\)](#). The third party political organization’s name cannot be identical or substantially similar to the name of any political party qualifying under § [24.2-101](#) and then in existence.

**ELECT** – The Virginia Department of Elections  
1100 Bank Street, 1<sup>st</sup> Floor  
Richmond, VA 23219.

**Va. Code** – Virginia Code



- Notes where to find information in the Code of Virginia or Virginia Administrative Code.



- Indicates beginning and/or ending deadlines for filing documents.



- Indicates information on where to file documents.



- Indicates additional information that may be helpful.

## Who is this document for?

- Individuals without the support of the Democratic, Republican, or third party political organizations who want to get their name printed on the Virginia ballot for President and Vice President for the November General Election.
- Third party political organizations that want to have their Presidential and Vice Presidential nominees' names on the Virginia ballot for the November general election.

Your organization may be considered a third party political organization if your organization:

- has a state central committee composed of registered voters from each congressional district of the Commonwealth,
- a party plan and bylaws, and
- a duly designated chairman and secretary in existence and holding office for at least six months prior to filing the pages for petitions.

### Contact

Virginia Department of Elections

1100 Bank Street, 1<sup>st</sup> Floor

Richmond, VA 23219

Telephone: (804) 864-8901

Toll Free: (800) 552-9745

Fax (804) 371-0194

Email: [info@elections.virginia.gov](mailto:info@elections.virginia.gov)

Office Hours: 8:15 a.m. to 5:00 p.m., M-F

## Election deadlines for voters 2020

Type of election	Candidates: last day to file	Last day to register to vote	Last day to apply for an absentee ballot	Election Date
General	Friday, Aug 21, 2020 at 5:00 pm	Tuesday, Oct 13, 2020	Online, fax, or mail: Friday, Oct 23, 2020 at 5:00 pm.	Tuesday, November 3, 2020 6:00 am to 7:00 pm
		<ul style="list-style-type: none"> <li>• In-person: 5:00 pm</li> <li>• Online: 11:59 pm</li> </ul> (Va. Code § <a href="#">1-210</a> – Monday, October 12, 2020 is a State holiday).	In-person: Saturday, Oct 31, 2020 – closing times may vary by locality. <a href="#">Check</a> before going.	
Find in code	Va. Code §§ <a href="#">24.2-543</a>	Va. Code §§ <a href="#">24.2-414</a> and <a href="#">24.2-416</a>	Va. Code § <a href="#">24.2-701</a>	Va. Code §§ <a href="#">24.2-101</a> and <a href="#">24.2-603</a>

# Follow these instructions to get on the ballot for President and Vice President in the General Election on Tuesday, November 3, 2020.

## I want to run in the November General Election...

### What are the eligibility requirements for President/Vice President?

Both individuals must be natural born citizens of the United States who are at least 35 years of age, and who have been residents of the United States for 14 years. (U.S. Const. art. 2, § 1, cl. 5). The presidential and vice presidential candidates should be from different states due to constitutional requirements set for Electoral College voting (see 12<sup>th</sup> Amendment).

### How do I get my name on the ballot for the November general election?

To get your name on the ballot, you must fulfill two requirements: (1) collect the required amount of valid petition signatures, and (2) have 13 pledged electors.

- **Petition signature requirements:** Va. Code § [24.2-543](#) requires 5,000\* qualified voters of the Commonwealth to sign a campaign's petition of qualified voter form. Within the 5,000\* signature amount, the individual or group must have at least 200\* qualified voter signatures from each of Virginia's eleven congressional districts. This Code Section also prohibits the circulation of petition pages until January 1, 2020. Since people who are not registered to vote often sign petitions for candidates, the Department of Elections recommends that you collect at least 7,500 signatures with at least 300 from each congressional district.

\*US District Court Civil Case No. 3:20-cv-349 modifies the petition filing requirements for certain third party organizations. See Supplement at the end of this Bulletin.

- **Pledged electors:** Electors must equal the whole number of senators and representatives to which the Commonwealth at that time is entitled in the Congress of the United States. Virginia has 13 electors; thus, you must receive a pledge and a notarized oath from each one.

### What is an elector?

A presidential elector casts a vote in the electoral college for President and Vice President nominees. A group of individuals, not acting as a political party, may select electors to cast electoral college votes for the President and Vice President nominees of their party. Va. Code § [24.2-203](#) binds electors to vote for the nominees put forward as President and Vice President when the electors convene in Richmond at 12:00 noon on Monday, December 14, 2020.

### Makeup of Virginia's Thirteen Electors for President and Vice President

One elector must reside in Virginia's [1<sup>st</sup> Congressional District](#).

One elector must reside in Virginia's [2<sup>nd</sup> Congressional District](#).

One elector must reside in Virginia's [3<sup>rd</sup> Congressional District](#).

One elector must reside in Virginia's [4<sup>th</sup> Congressional District](#).

One elector must reside in Virginia's [5<sup>th</sup> Congressional District](#).

One elector must reside in Virginia's [6<sup>th</sup> Congressional District](#).

One elector must reside in Virginia's [7<sup>th</sup> Congressional District](#).

One elector must reside in Virginia's [8<sup>th</sup> Congressional District](#).

One elector must reside in Virginia's [9<sup>th</sup> Congressional District](#).

One elector must reside in Virginia's [10<sup>th</sup> Congressional District](#).

One elector must reside in Virginia's [11<sup>th</sup> Congressional District](#).

Two "At Large" electors may reside anywhere in Virginia.

### **Who can be an elector?**

The U.S. Constitution prohibits an elector from being a Senator, Representative, or from holding an "office of Trust or Profit under the United States." (U.S. Const. art. 2, § 1). Briefly, this means an elector cannot be a U.S. House or Senate member, or any federal official.

### **How can my group or I prepare for the petition signature requirement?**

ELECT highly recommends you or your group receives commitment from electors as soon as possible. Electors will need to sign and have notarized an oath of their commitment to the candidate or party nominee ([Oath for Electors for President and Vice President; Independent and Third Party ELECT-543](#)). A signed and notarized oath from all thirteen electors must be filed with the Department of Elections when the group or individual files its/his/her Declaration of Candidacy and Petition of Qualified Voter Forms. The Petition of Qualified Voters for Electors for President and Vice President [form](#) must identify an individual's or group's thirteen presidential electors.

Va. Code § [24.2-543\(A\)](#) provides a procedure for replacing an elector due to death or disqualification during the petition effort. Should either occur, the form ([Notice of Substitution of Elector for President and Vice President Due to Death or Disqualification ELECT-543\(A\)](#)) required to notify ELECT of the new elector is available on its [website](#). Notice should be provided as quickly after the event as possible but by no later than noon on Friday, August 21, 2020. Replacement of electors without notice to ELECT will invalidate those petition pages (see Va. Code § [24.2-543\(A\)](#)).

### **Is there an appeal process if my group or I do not qualify to get on the ballot?**

Va. Code § [24.2-543\(B\)](#) grants a candidate the right to appeal the determination that the s/he "does not qualify to have his/her name appear on the ballot [...] by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought." Candidates have seven days from the issuance of notice of their disqualification to file their appeal with the Department of Elections.

Appeals are conducted by the State Board of Elections in accordance with regulations set forth in [1VAC20-50-30](#) of the Virginia Administrative Code. 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.

### Where will my name appear on the November ballot?

Either the Democratic Party or Republican Party will appear first or second on the ballot based on a drawing performed by the State Board of Elections (§ [24.2-613](#)).

Groups of petitioners qualifying for a party name under § [24.2-543](#) will appear in the order determined by a drawing performed by the State Board of Elections (§ [24.2-614](#)).

Independent candidates will appear in alphabetical order by last name (§ [24.2-614](#)).

### What forms need to be filed, when are they due and where are they filed?

Use this table to learn what, when, and where to file. Find more information on pages 7, 8 and 9.

What do I need to file?	Notes or other information	Where do I file this form?	When does filing open?	What is the deadline to file?	
The following 3 forms are required by all candidates filing for this election.					
<b>1</b>	<a href="#">Declaration of Candidacy</a>	File with the Petitions of Qualified Voters (2) and the Oath for Electors for President and Vice President; Independent and Third Party (3).	Must be in the possession of the Department of Elections by the deadline.	Thursday, January 2, 2020	Friday, August 21, 2020 at 12:00 pm
<b>2</b>	<a href="#">Petition of Qualified Voters</a>	Do not collect signatures before January 1, 2020.  File with the Declaration (1) and the Oath for Electors (3).	Must be in the possession of the Department of Elections by the deadline.	Wednesday, January 1, 2020	Friday, August 21, 2020 at 12:00 pm
<b>3</b>	<a href="#">Oath for Electors for President and Vice President; Independent and Third Party</a>	File with the Petitions of Qualified Voters (2) and the Declaration (3).  All oaths (13) must be submitted with the first filing of the Petitions of Qualified Voters (2) and the Declaration (3).	Must be in the possession of the Department of Elections by the deadline.	Thursday, January 2, 2020	Friday, August 21, 2020 at 12:00 pm

The following three steps are required for candidacy:

**1** Fill out and submit [Declaration of Candidacy](#) (SBE-505/520(P)).



Find in Virginia Code § [24.2-505](#).



**General Election candidates**

File starting **January 2, 2020**.

File ending **August 21, 2020 at 12 pm**.

This form must be in the possession of the Department of Elections by the deadline.  
Forms postmarked by the deadline, but received after the deadline will not be accepted.



Submit this form to the Department of Elections.



File along with the Petitions of Qualified Voters.

- Fill the form out completely.
- Make sure the witness or notary statement is completed. For information on requirements for notary statements, see [1VAC20-50-20](#).

**2 Collect petition signatures and submit the Petitions of Qualified Voters (ELECT-543(P)).**



Find in Va. Code § [24.2-543](#).  
 Find in Virginia Administrative Code [1 VAC 20-50-20](#) and [1 VAC 20-50-30](#).  
 Contact your attorney for guidance.



<b>Do not collect signatures before</b>	<b>You can collect signatures between</b>	<b>You can submit signatures:</b>
January 1, 2020.	Wednesday, January 1, 2020 through Friday, August 21, 2020.	Thursday, January 2, 2020 through Friday, August 21, 2020 at 12:00 pm



File the original petition pages with the Department of Elections.



File along with the Declaration of Candidacy and all 13 notarized elector oaths.

**Number of petition signatures you need from qualified voters**

Total: 5,000\* signatures

From each of the 11 Congressional Districts: 200\* signatures

\*US District Court Civil Case No. 3:20-cv-349 modifies the petition filing requirements for certain third party organizations. See Supplement at the end of this Bulletin.

**Things to remember about petitions:**

**Petition Pages must...**

- be on the form from the Department of Elections, and you cannot alter it in any way.
- be on letter or legal size.
- be one page printed on the front and back. You can make as many copies as you need.
- contain the signature, printed full name, and full residence address of each qualified voter and the date the voter signed. The last four (4) digits of the qualified voter’s social security number are helpful, but not required.

**The petition circulator...**

- must be a legal resident of the United States and must sign the affidavit for each page in front of a notary.
- cannot be a minor.
- can be an individual who was convicted of a felony only if his/her voting rights are



restored.

- cannot be the circulator of the page on which s/he signs the petition.

When filing your petition pages...

- Each page should contain signatures from only one congressional district. It is helpful to track signatures by congressional district, and there is a place on the page to enter that information.
- Please file the pages in ascending order by congressional district to facilitate processing.
- Deliver the Petitions for President and Vice President to the Department of Elections.
- When an independent or third party organization files petition pages with the Department of Elections for the first time, they must file their Declaration of Candidacy.
- Candidates running for the general election may file petition pages more than once.

When collecting your petition signatures, it is helpful to remember that...

- Because people who are not registered to vote often sign petitions for candidates, we recommended that you collect at least 7,500 signatures with at least 300 from each congressional district.
- [1VAC20-50-20](#) lists material omissions for petition signatures and pages. If your petition has a material omission, it may render the page or signature invalid.

**3** Collect signed and notarized oaths from all selected electors [Oath for Electors for President and Vice President; Independent and Third Party](#) (ELECT-543).



Find in Virginia Code § [24.2-543](#).



**General Election candidates**

File starting **January 2, 2020**.

File ending **August 21, 2020 at 12 pm**.

This form must be in the possession of the Department of Elections by the deadline. Forms postmarked by the deadline, but received after the deadline will not be accepted.



Submit this form to the Department of Elections.



All 13 signed and notarized oaths must be filed along with the Declaration of Candidacy and the Petition of Qualified Voter forms.

The next requirement only relates to Independent or Third Party Organizations that need to replace Presidential or Vice Presidential candidates prior to the November election.



Find in Virginia Code §§ [24.2-542](#), [24.2-542.1](#) and [24.2-543](#).



### General Election candidates

File starting **August 22, 2020**.

File ending **September 4, 2020 at 5 pm**.

The notice of substitution must be in the possession of the Department of Elections by the deadline. Electronic transmission of the notice is acceptable.



Submit the notice to the Department of Elections ([ea@elections.virginia.gov](mailto:ea@elections.virginia.gov)).



Elements within the notice must include:

- The names of the replacement candidates for President and, if necessary, Vice President.
- The reason for the replacement.

The next requirement relates to Campaign Finance accounts and reporting.

The Federal Election Commission is responsible for federal campaign disclosure laws. Federal law requires candidates to register and disclose campaign receipts and expenditures and to abide by certain contribution limits and prohibitions. Please contact the Federal Election Commission for more information (1050 First Street, NE, Washington, D.C. 20463 or on the web at [www.fec.gov](http://www.fec.gov)).

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## 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.

# Supplement for Certain Third Party Organizations

US District Court Civil Case No. 3:20-cv-349 modifies the petition filing requirements for certain third party organizations.

## Applies to:

- Constitution Party of Virginia
- Green Party of Virginia
- Independent Green Party of Virginia
- Libertarian Party of Virginia

## Changes Required:

- For candidates running for **President/Vice President**:
  - Number of qualified signatures required reduced to 50% of Code requirement:
    - From 5,000 overall to 2,500
    - From 200 for each congressional district to 100
- For candidates running for **US Senate**:
  - Petition filing deadline extended to Saturday, August 1, 2020, 7:00 p.m.
  - Number of qualified signatures required reduced to 35% of Code requirement:
    - From 10,000 overall to 3,500
    - From 400 for each congressional district to 140
- For candidates running for **US House of Representatives**:
  - Petition filing deadline extended to Saturday, August 1, 2020, 7:00 p.m.
  - Number of qualified signatures required reduced to 35% of Code requirement:
    - From 1,000 to 350